

# S. 356—LANGUAGE OF GOVERNMENT ACT OF 1995

Y 4. G 74/9:S. HRG. 104-708

S. 356—Language of Government Act o...

## HEARINGS BEFORE THE COMMITTEE ON GOVERNMENTAL AFFAIRS UNITED STATES SENATE ONE HUNDRED FOURTH CONGRESS FIRST AND SECOND SESSION

DECEMBER 6, 1995 AND MARCH 7, 1996

Printed for the use of the Committee on Governmental Affairs



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**S. 356**  
**LANGUAGE OF GOVERNMENT ACT OF 1995**

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**WEDNESDAY, DECEMBER 6, 1995**

U.S. SENATE,  
COMMITTEE ON GOVERNMENTAL AFFAIRS,  
*Washington, DC.*

The Committee met, pursuant to notice, at 9:35 a.m., in room SD-342, Dirksen Senate Office Building, Hon. Ted Stevens, Chairman of the Committee, presiding.

Present: Senators Stevens, Dorgan, and Akaka.

**OPENING STATEMENT OF SENATOR STEVENS**

Chairman STEVENS. Good morning. Senator Shelby, the primary sponsor of S. 356,<sup>1</sup> Congressman Emerson, sponsor of the House of Representatives companion bill, and Representative Roth, who also has a House bill, as I understand it, are our first witnesses at this hearing. I will conduct another hearing early next year for those who are in opposition to this bill, and maybe a third hearing after that to get some consensus about it.

I am pleased today that Senator Shelby continues the work begun in the 1980's by Senator Sam Hayakawa. Senator Hayakawa, from California, was a gifted gentleman who was able to translate his doctorate studies in semantics and linguistics into practical policy solutions for our diverse Nation. As a Canadian-born Japanese American, he foresaw the current troubles of Quebec. He is sort of the grandfather of this idea. His task was taken up by Senator Walter Huddleston in 1983, and Senator Shelby continues it on today in the Senate. The goal is to officially recognize the obvious fact that English is the official language. It becomes more important in view of the separatist movement in Quebec.

S. 356 declares English to be the official language of the U.S. Government. In doing so, it establishes a national language policy. The bill does not affect existing laws which provide bilingual and native language instruction in this country. Those statutes are integral parts of our national language policy.

This hearing will review the language policy S. 356 seeks to put into place and the guidelines presented in its provisions. It is not designed to affect bilingual education or teaching or use of language other than English. Native language instruction is not affected by this bill. Section 2(b)(3) specifically provides that the measure is "not intended to discourage the use of languages other than English in any non-official capacity."

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<sup>1</sup> Copy of S. 356 appears on page 99.

The Eskimos in my State, for instance, who speak Yupik, or Native Americans who speak their language in their day-to-day lives should not be affected. In fact, I was a cosponsor of the Native American Language Act and believe strongly in preserving our American Native tongues. I am likewise supportive of the efforts to amend S. 356 to expressly state that it does not affect bilingual education or Native American language instruction.

Waves of immigrants into this country have learned English for generations. My own mother's native tongue was German, and her mother was from Scotland.

I am just going to skip some of my statement here and let the full amount be in the record.

Now more than ever, knowledge of English is essential. I am told we have 320 languages in this country, and S. 356 represents an effort to give life to the phrase "*e pluribus unum*," out of many, one.

[The prepared statement of Senator Stevens follows:]

#### PREPARED STATEMENT OF SENATOR STEVENS

Senator Shelby, the primary sponsor of S. 356, Congressman Emerson, sponsor of the House of Representatives companion bill, and Representative Roth, are our first witnesses at this hearing. I intend to conduct another hearing on S. 356 at a later date.

I am pleased that Senator Shelby continues today the work begun in the 1980's by Senator S.I. Hayakawa. Senator Hayakawa from California was a gifted gentleman who was able to translate his doctorate studies in semantics and linguistics into practical policy solutions for our diverse nation. As a Canadian-born Japanese-American he foresaw the current troubles of Quebec. He is the grandfather of S. 356. His task was taken up by Senator Walter D. Huddleston in 1983. This goal of officially recognizing the obvious fact that English is the official language becomes more important in view of the separatist movement in Quebec.

S. 356 declares English the official language of the U.S. Government. In doing so, it establishes a national language policy. The bill does not affect existing laws which provide bilingual and native language instruction. Those statutes are integral parts of our national language policy.

This hearing will review the language policy S. 356 seeks to put in place and the guidelines presented in its provisions. S. 356 is not designed to affect bilingual education or the teaching or use of languages other than English. Native language instruction is not affected by this bill. Section 2(b)(3) specifically provides that the measure is "not intended to discourage the use of languages other than English in any non-official capacity." Therefore, Eskimos in Alaska who speak Yupik or Native Americans who speak their language in their day to day lives will not be affected. In fact, I was a co-sponsor of the Native American Language Act and believe strongly in preserving Native tongues. I am likewise supportive of efforts to amend S. 356 to expressly state that it does not affect bilingual education or Native American language instruction.

Waves of immigrants to this country have learned English for generations. My mother's native tongue was German—her mother was from Scotland. There have been unprecedented efforts to maintain the language of the immigrant population through bilingual education and bicultural programs. These policies have fostered a second culture, which develops and tracks the demographic shift towards larger Hispanic and Asian populations. Further, the American experience has changed dramatically with the advent of the information age and the service economy. Yet English remains the language of commerce, law, intercultural expression and government.

Now, more than ever, knowledge of English is essential. We have over 320 languages in this country. S. 356 represents an effort to give life to the phrase *e pluribus unum*—out of many, one. I look forward to the testimony of the distinguished panels who have agreed to testify today.

Chairman STEVENS. I look forward to the testimony of the distinguished panels who have agreed to testify today. First, let us hear from the sponsor and his two colleagues from the House.

Senator Shelby?

**TESTIMONY OF HON. RICHARD C. SHELBY, U.S. SENATOR  
FROM THE STATE OF ALABAMA**

Senator SHELBY. Thank you, Mr. Chairman. Mr. Chairman, I ask that my entire statement be made part of the record.

Chairman STEVENS. It will be.

Senator SHELBY. Mr. Chairman, I want to thank you for holding this hearing on the Language of Government Act, and also for providing me the opportunity to speak on English as the official language of government.

English is the language of opportunity in America. It is the common bond that brings people of every race, creed, sex, culture, and nationality together here. However, Mr. Chairman, opponents of a common language are threatening the sovereignty and the integrity of this Nation, I believe, by pushing multiple languages on our Federal Government. This is no exaggeration. Our neighbors to the north in Canada can testify to the effects of multilingual separatism.

The Language of Government Act that I have introduced in the Senate requires that all functions of the Federal Government be performed in English, nothing more, nothing less. By definition, that is what an official language is. A national language, on the other hand, is a language that is permitted to be taught in schools, used in commerce, as well as the language of the home.

I want to be clear, Mr. Chairman, that this bill seeks to achieve English as an official language, the language of record. In no way does this bill limit an individual's use of his or her native language in the home, the church, the community, or even work, if the employer permits. Contrary to many assertions, this language does nothing, Mr. Chairman—and I emphasize again, nothing to affect bilingual education.

Today, English is the main world language of book and newspaper publications, of science and technology, of advertising and, yes, of computer information. Over 300 million people speak English as a native language. Another 300 million use it in countries as a second language, and still another 100 million speak English fluently as a foreign language.

Despite the claims, Mr. Chairman, of the liberal elite, English serves as a tool to unify people, not divide them. In several African countries, English is seen as neutral to the linguistic rivalries motivated by competing indigenous languages. In India, English is also commonly used between competing political groups who speak different languages because it has the advantage of neutrality.

Contrary to the exasperated assertions of the leaders who claim to represent Americans who do not speak English as a primary language, English allows individuals, Mr. Chairman, to lay aside their differences in order to communicate and share their similarities. Americans understand this fact, and I believe they understand it well. A recent national poll found that 86 percent, Mr. Chairman, of the respondents support English as the official language.

In my years in Congress in the House and the Senate, I have never seen an issue that so overwhelmingly transcends racial, ethnic, educational, and sexual lines. Virtually any way you divide the

population, Mr. Chairman, support for English as our official language ranges from 80 percent to 91 percent. In fact, 81 percent of first-generation immigrants support English as the official language. Just think about it for a second. Eighty-one percent of first-generation immigrants support English as the official language.

To what extent, Mr. Chairman, we spend money and duplicate services in the linguistic bureaucracy is a complete mystery to all of us. The General Accounting Office produced a study, but the results were largely inconclusive, since they said it was methodologically impossible to calculate the amount of multilingualism in the Federal Government.

We do know, Mr. Chairman, that the Federal Government currently prints documents in Spanish, Portuguese, French, Chinese, German, Italian, Russian, Ukrainian, and others. In fact, last year marked the first time—yes, the first time—in the 135-year history of the Internal Revenue Service that tax forms were printed in a language other than English. The question is that if we choose to perform these Federal services in several languages, how can we possibly say no to the individuals who speak Chinook Jargon or Micmac? I believe we cannot.

In addition to lacking the ability to stop a multilingual spiral, where would the multilingualism of services stop? Should we, Mr. Chairman, for example, print highway signs in foreign languages? Should the Food and Drug Administration print nutrition and meat inspection labels in foreign languages? Clearly, the Federal Government cannot afford to provide such services in the 323 languages currently spoken in America that you, Mr. Chairman, alluded to in your opening statement.

Mr. Chairman, when information technology, financial markets, and other international services are striving for uniformity, it makes no sense for the Federal Government to be moving away from it. Multiple language services are neither logically feasible nor affordable. Most importantly, providing the services of the Federal Government in multiple languages offers no tangible benefits that I am aware of.

Canada offers a great case in point. While it is true that their history is different from ours, the fact remains that accommodating diverse languages only promotes instability, resentment, and a threat, I believe, to national sovereignty. Government should not encourage and endorse such balkanization and separation.

English has been, is, and will continue to be the language of opportunity. English is the language that allows individuals to take advantage of the social and economic opportunities America has to offer. Legislating English as the official language of government does nothing more than to help individuals assimilate into American society, and protects government from wasteful spending and dubious duplication of services. Most importantly, Mr. Chairman, this legislation shows our commitment to unity, cohesion and, yes, inclusion over separation.

Thank you for letting me appear.

[The prepared statement of Senator Shelby follows:]

## PREPARED STATEMENT OF SENATOR SHELBY

Mr. Chairman, thank you for holding this hearing on the Language of Government Act and for providing me the opportunity to speak on English as the official language of government. English is the language of opportunity in America. It is the common bond that brings people of every race, creed, sex, culture and nationality together. However, Mr. Chairman, opponents of a common language are threatening the sovereignty and integrity of this nation by pushing multilingualism on our Federal Government. This is no exaggeration, our neighbors to the North in Canada can testify to the effects of multilingual separatism.

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I want to be clear that this bill seeks to achieve English as an "official" language—the language of record. In no way does this bill limit an individual's use of his or her native language in the home, church, community or even work if the employer permits. Also, contrary to many assertions, this legislation does nothing to affect bilingual education.

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Despite the claims of the liberal elite, English serves as a tool to unify people, not divide. In several African countries, English is seen as neutral to the linguistic rivalries motivated by competing indigenous languages. In India, English is also commonly used between competing political groups who speak different languages, because it has the advantage of neutrality. Contrary to the exasperated assertions of the leaders who claim to represent Americans who do not speak English as a primary language, English allows individuals to lay aside their differences in order to communicate and share their similarities.

Americans understand this fact. A recent national poll found that 86 percent of the respondents support English as the official language. In my years in Congress, I have never seen an issue that so overwhelmingly transcends racial, ethnic, educational and sexual lines. Virtually any way you divided the population, support for English as our official language ranged from 80 percent to 91 percent. In fact, 81 percent of first generation immigrants support English as the official language.

To what extent we spend money and duplicate services in the linguistic bureaucracy is a complete mystery to all of us. The General Accounting Office produced a study, but the results were largely inconclusive since they said it was methodologically impossible to calculate the amount of multilingualism in the Federal Government. We do know that the Federal Government currently prints documents in Spanish, Portuguese, French, Chinese, German, Italian, Russian, Ukrainian, Korean and others. In fact, last year marked the first time in the 131 year history of the IRS that tax forms were printed in a language other than English. The question is that if we choose to perform these Federal services in several languages, how can we possibly say no to the individuals who speak Chinook Jargon or Micmac? We cannot.

In addition to lacking the ability to stop a multilingual spiral, where would the multilingualism of services stop? Should we print highway signs in foreign languages? Should the Food and Drug Administration print nutrition and meat inspection labels in foreign languages? Clearly, the Federal Government cannot afford to provide such services in the 323 languages currently spoken in America.

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services. Most importantly, this legislation shows our commitment to unity, cohesion, and inclusion over separation.

Chairman STEVENS. Thank you very much, Senator. Congressman Roth?

**TESTIMONY OF HON. TOBY ROTH,<sup>1</sup> REPRESENTATIVE IN CONGRESS FROM THE STATE OF WISCONSIN**

Mr. ROTH. Thank you very much, Mr. Chairman. I am delighted to be here today. This is the first hearing on official English that has been held in the Senate in the last decade and I want to thank you for having this hearing, and I want to thank Senator Shelby for the initiative that he has taken, also.

Senator Stevens, I just want to make two points. Number one, I think you mentioning Senator Hayakawa, was a very gracious gesture on your part and should be recognized. The other is I want to recognize you for your great work at the U.N., and we all appreciate the work you are doing at the U.N.

Senator Stevens, with your permission, and the Committee's permission, what I would like to do is put my entire testimony into the record.

Chairman STEVENS. Yes, sir, we will print it in full at the end of your remarks.

Mr. ROTH. And an essay by Charles Krauthamer on "Quebec and the Death of Diversity."<sup>2</sup> I would like to put that in the record, with your permission.

Chairman STEVENS. Very well. We will put it in the record.

Mr. ROTH. Thank you, Mr. Chairman.

Mr. Chairman and Members of the Committee, I have been involved in the effort to declare English our official language for many years. I have committed much time and energy to this effort because I truly believe that this is one of the great challenges that faces our Nation today.

We received a wake-up call recently when we watched Canada very nearly split in two over linguistic and cultural differences. The Quebec on secession reminded us all of how precious and fragile a nation's unity can be. This should be the red warning light that causes us to stop and think, could America fragment like Canada almost did?

I was impressed with Senator Shelby's testimony. For example, he brought up India. You know, in India they have 14 languages and who knows how many dialects, but they have English as their official language. Why? Because they said they needed that to have the unity that their diverse country represented.

The answer, I think, when we take a look at America, whether we could split into fragmentation like Canada almost did—the answer is a disconcerting but resounding yes. America is the most diverse nation in the history of the world. Yet, we have escaped national implosion so far because we have enjoyed a wonderful commonality, a common bond, our English language. Winston Churchill once remarked that the gift of a common language is a nation's most priceless inheritance. Churchill was absolutely right.

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<sup>1</sup> The prepared statement of Mr. Toby Roth appears on page 106.

<sup>2</sup> Article submitted by Mr. Toby Roth appears on page 108.

For most of our Nation's history, the English language has been the key to integrating new Americans, as well as the glue that has held our people together. That is all changing today. We are losing our common bond. One in 7 Americans does not speak the English language. In just 5 years, the number of Americans who do not speak English will have grown to 40 million people, and this comes from the National Clearinghouse for Bilingual Education.

At a time when we need a common language more than ever, our government policies work to erode English's place in almost every aspect of our lives. Today, Americans can vote, pay their taxes, be sworn in as citizens, take driver's license exams, and go to school entirely in languages other than English. The practical consequence of these policies is splitting our national unity.

Programs like bilingual education divide our country by undermining the common bond that holds our country together, which is English. We have a common language so our diverse population can exchange ideas, share experiences, forge common ideals. Without that bond, Mr. Chairman and Members of the Committee, our unity and our strength is threatened. There is no surer recipe for dividing America than to erode our common language.

I have felt strongly about this issue, and that is why I introduced the bill I did in the House. My legislation will end government's misguided multilingual policies and reaffirm that English is our national language. My bill represents one approach. There are others, but we all share a common goal, and that is preserving the unity of our Nation, to keep it a United States of America.

I commend all those who have joined me in this fight to preserve our common language. Particularly, I again want to thank Senator Shelby and my good friend, Congressman Bill Emerson, for helping spearhead this effort. I look forward to continuing our work together so that we can succeed in making English our official language.

You know, 2 years ago I held a hearing before the Republicans had control in August of 1993, and my strongest supporters were the new Americans, the parents who came in and said, yes, we have to English so that our children can have the same opportunities and succeed in America. In the past, America has been a shining example of a place where people from every background can live and work together in harmony. I want to keep America one nation, one people, and for that we need one common language.

Now, as Senator Stevens, the Chairman, had mentioned, we are all interested in having our students be fluent in other languages. I have three children. All of them have taken foreign language, but that is a different issue. What we are basically saying here is that to keep the unity that our Nation has, because we have people from every corner of the globe, every religious, every linguistic, every cultural background—but we are one Nation, one people, one united Nation because we have a commonality of the English language. We want to preserve that, and that is why, Mr. Chairman, Senator Stevens and Senator Shelby, I am so delighted to be here today and to testify before this Committee. Thank you.

Chairman STEVENS. Thank you very much.

Senator do you have any questions?

Senator SHELBY. No. I appreciate you, one, letting me sit up here, since I am not a member of this Committee. But I want to commend Congressman Roth. We went to Congress together. We have worked together on a lot of issues, and this could be the most important issue for both of us down the road as far as keeping America together, building and retaining the policy of inclusion to keep this country from fragmenting down the road.

Mr. ROTH. You are correct, Senator Shelby. You and I have agreed on many, many issues. I can't remember one where we didn't agree. The point, I think, that we want to make is that, for example, we are debating a big bill here on Capitol Hill, the budget, of course, and how are we going to bring it all together. But, you know, those financial issues and issues like that we can always resolve, but once America splits up into linguistic, you are never going to be able to put America back together again. I mean, world history tells us that.

Chairman STEVENS. Thank you very much, Toby. We appreciate you coming over.

Mr. ROTH. Thank you, sir.

Chairman STEVENS.. I know we are all busy here. Congressman Emerson is coming, but he was in another meeting. We will turn to the next panel and when Mr. Emerson comes, we will ask him to testify from up here at the Committee table.

Our second panel is the President of U.S.ENGLISH, Mr. Mujica. The next person is Lowell Gallaway, an economist from Ohio University. Next is the Secretary General of the Islamic Society of North America, Mr. Syeed.

Next is Shahab Qarni, Executive Director of the Asian American Union, and next is Ms. Vukelich, who is a private citizen.

First, let us hear from Congressman Emerson, who is the sponsor of a companion bill in the House.

#### **TESTIMONY OF HON. BILL EMERSON, REPRESENTATIVE IN CONGRESS FROM THE STATE OF MISSOURI**

Mr. EMERSON. Mr. Chairman and Members of the Committee, thank you. I apologize for my tardiness in being here this morning, and I have a statement that I will submit for the record which emphasizes, among other things, those things which I know you have emphasized about the fact that English is the language of unity, that it binds us. It is the economic door-opener in this country.

Moreover, I think we must highlight, also, the fact that we have got an accountability problem here. The GAO report on the subject of languages has indicated that, apparently, Federal departments and agencies feel they have the discretion to pursue government in languages other than English, and I think that we have to focus on the accountability problem.

If, in the entire Federal Government, agencies and departments believe they have discretion to pursue government and matters of government, communications relating to government, in languages other than English as an official proposition, we do have an accountability problem, and that is ultimately going to run into a serious cost problem, a budget problem, for the Federal Government, and this issue of accountability is one that, in addition to all the other issues, has got to be addressed. Thank you.

Chairman STEVENS. We will put your full statement in the record, Congressman. Thank you very much for coming.

Mr. EMERSON. Thank you, Mr. Chairman.

[The prepared statement of Mr. Emerson and letter from GAO follows:]

#### PREPARED STATEMENT OF CONGRESSMAN BILL EMERSON

Mr. Chairman and distinguished Members of the Committee, I would like to thank you for the opportunity to appear before you today to discuss the importance of establishing English as the official language of government.

As many of you may know, I have been among the leaders of this movement in Congress for some 7 years now. I have studied the issue in great detail, and I believe very strongly in the idea that English should become the official language of the Federal Government. Why? Let me offer you my answer.

English is our language by custom and practice only. It serves as a common bond in this diverse Nation of immigrants. However, over the last 15 to 20 years, this Nation has had to wrestle with the difficulties of trying to serve its ever growing non-English speaking population. In an effort to assist the limited-English proficient individual, the Federal Government has sanctioned and promoted what amounts to unofficial multi-lingualism. When we allow the INS to conduct citizenship ceremonies in foreign languages and the IRS to print and distribute foreign language tax forms, then I believe we are establishing some genuinely dangerous precedents. It is ill-advised, in my view, to have multi-lingual governing for various, isolated, non-English speaking enclaves. Such a policy sends the very destructive message of linguistic and social separatism, and would effectively create a number of linguistic ghettos across the country.

Some common sense parameters on the use of multiple languages in government would help to counterbalance such divisive messages. We cannot afford, either socially or monetarily, to allow the advancement of multi-lingualism within the Federal Government.

Let me submit a few examples of the ways in which the government has practiced wasteful and misguided multilingualism in recent years. Just a few weeks ago, the General Accounting Office released a report on this very issue, in response to a letter I sent in conjunction with Senator Shelby and Representative Clinger. The GAO report identified the following unsettling evidence. Government and taxpayer resources have been expended to produce hundreds of documents in an array of languages, including Cambodian, Romanian, and Chinese. In Ukrainian, Federal officials published a paper entitled "Investigation of the Ukrainian Famine 1932-1933." In Portuguese, the Centers for Disease Control promulgated an "Investigation About the Reproductive Behavior of Young People in the City of San Paulo." The GAO study goes on to highlight a number of other disturbing figures and trends.

The legislation that Senator Shelby and I have sponsored offers a balanced, reasoned approach to the common language issue. It recognizes that a common language is about empowerment and inclusion. Appreciating the powerful role of language in human society (having the ability to unite, or divide), it affirms that the job of government is to foster and advance the common good. A cooperative, prosperous country with an official policy of promoting our common language, English, is preferable to a Nation divided by linguistic factions, as we have learned from our northern neighbors. It is for this reason that I support the idea of having English designated as our official language.

More than any other form of government, democracies require interaction between the people and the governing bodies, constant interaction that provides a barometer for those governing to use in determining the impact of their decisions upon the governed. A shared method of communication—a common language—is essential for this dynamic. Again, I reiterate that my legislation is based on the principles of inclusion and empowerment.

I do not believe that we really help individuals by periodically offering certain services in some foreign languages. Rather, I believe that the money used to administer such foreign language functioning is better used teaching non-English speakers our common language. It is not enough to say—here is a fish, feed yourself for a day—We need to be providing non-English speaking individuals the rod that will allow them to catch their own fish for the rest of their lives. Please understand, that if we do not address this issue in a rational, forward thinking manner, then we will be guilty of having allowed a new type of welfare to have been institutionalized—Linguistic Welfare.

Consider these figures which dramatically show that English-speaking ability is critical to stable income and a good quality of life. A study in Texas last year demonstrated that annual income is directly proportional to the level of English fluency. Fluent speakers included in the study collected salaries as high as \$27,440 per year, while their less fluent peers were unable to keep up, earning as little as \$750 annually. The general trends indicated that individuals and immigrants with fewer English skills earned less, were not as healthy, and are less hopeful for the future than similar people with better English proficiency. These facts are very telling.

I do not propose, as some do, the total abolishment of all foreign language assistance. I firmly believe that the common language debate suffers as a result of that type of philosophy. I want to set the record straight so that there is no misunderstanding. Within S. 356 and my companion bill in the House, there are exemption clauses which ensure that no essential services—emergency, health, and justice—would be restricted. It is not “English Only.” The term “English Only” is most often used by the anti-common-language groups to promote the falsehood that I am opposed to other languages. That could not be farther from the truth.

I recognize that there are individuals currently living in, and coming to, the United States who do not know English—and we have an obligation to extend certain essential services to them. However, it is my strong belief that we have an even greater obligation to ensure that they get the chance to learn English so that they can partake of all the wonderful opportunities that exist in this great country of ours.

Surveys consistently reveal overwhelming support for English as the official language. In fact, the latest nationwide survey conducted on this issue revealed that 86 percent of those individuals surveyed support English as the official language. It also revealed that 81 percent of immigrants support English as the official language.

The idea of having an official language is not atypical. Nations around the world—more than half of them, in fact—designate official languages. Countries like Venezuela, which specifies that Spanish is its official language. Does that mean that Venezuela prohibits the use of any other language but Spanish? Of course not. It means only that the Government of Venezuela functions in Spanish and it is important to know Spanish in Venezuela.

Efficient communication among the branches of government and among our people enables stability and diversity. The Language of Government Act provides a precise, unequivocal form of communication for our nation's official business.

We must come together now and hammer out our differences on this issue and pass a bill. If we continue to wait, the problems inherent in not having an official common language will only continue to grow. This will inevitably result in increased polarization of the two sides of this debate, and the final outcome will be such deep rooted hate and resentment between the two that we may never be able to reach a compromised solution.

Again, I thank the Chairman and the Members of the committee for conducting this hearing. I think that such a forum is tremendously important, and something that is welcomed by folks across the country. At this time I would be happy to answer any questions that you might have.

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#### LETTER FROM GAO TO SENATOR EMERSON

U.S. GENERAL ACCOUNTING OFFICE

*September 20, 1995*

THE HON. RICHARD C. SHELBY  
U.S. Senate

THE HON. WILLIAM F. CLINGER, JR.  
*Chairman, Committee on Government Reform and Oversight*  
*House of Representatives*

THE HONORABLE BILL EMERSON  
*House of Representatives*

This letter responds to your request that we identify Federal Government documents (excluding documents of the Departments of Defense and State) that are published in languages other than English. We found that no single, comprehensive data source existed within the Federal Government that could identify and quantify the total number of foreign language publications and documents issued both internally and externally by Federal Government agencies and organizations. However, we were able to identify two computerized databases containing information on pub-

licly available publications and documents issued by Federal agencies and organizations. The databases we identified were (1) the Government Printing Office's (GPO) monthly catalog of publications and (2) the National Technical Information Service's (NTIS) bibliographic database. In total, for the 5-year period, 1990 through 1994, the two databases contained over 400,000 records pertaining to Federal agencies' reports, studies, fact sheets, maps, handbooks, conference proceedings, etc.

Table 1 presents the results of our searching these two databases for the 5-year period, 1990 through 1994. We identified 265 Federal foreign language documents in the databases. The table presents, by Federal department or agency, the number and percentage of foreign language documents published and available for distribution from these two data sources. As indicated in table 1, the Federal agency that issued the greatest number of Federal documents printed in a foreign language was the Social Security Administration. We identified 50 documents, or 19 percent of the 265 foreign language documents, as issued by the Social Security Administration.

Table 1

Foreign Language Documents Issued by Federal Agencies, Calendar Years 1990 Through 1994

Federal department/agency	Number of documents	Percent of total documents (Percent)
Agriculture Department .....	8	3.0
Bureau of the Census .....	9	3.4
Consumer Product Safety Commission .....	9	3.4
Customs Service .....	8	3.0
Education Department .....	16	6.0
Equal Employment Opportunity Commission .....	8	3.0
Energy Department .....	4	1.5
Environmental Protection Agency .....	4	1.5
Food and Drug Administration .....	19	7.2
Health and Human Services Department .....	26	9.8
Housing and Urban Development Department .....	4	1.5
Immigration and Naturalization Service .....	4	1.5
Inter-American Foundation .....	8	3.0
Internal Revenue Service .....	14	5.3
Justice Department .....	6	2.3
Labor Department .....	8	3.0
National Institutes of Health .....	14	5.3
Social Security Administration .....	50	18.9
Other <sup>1</sup> .....	46	17.4
Total .....	265	100.0

<sup>1</sup>A total of 30 Federal departments and agencies are included in this category.

Source: GAO analysis of the GPO and NTIS document databases.

As one might expect, the foreign language documents issued by the various Federal departments and agencies covered subject matter and topics related to their operating missions and functions. For example, the Social Security Administration foreign language documents addressed such topics as Medicare, the Supplemental Security Income program, disability insurance, workers compensation, and various taxation topics. The foreign language documents of the National Institutes of Health included such topics as cancer, asthma, tooth care, and radiation therapy.

Our database document search identified Spanish as the most widely used foreign language in documents issued by Federal departments and agencies. As indicated in table 2, of the 265 foreign language documents we identified, 221, or 83 percent, were written in Spanish. The next most frequently used language was French, in which 12 documents, or 5 percent, were written.

Table 2

Breakout of Federal Documents by Type of Foreign Language, Calendar Years 1990 Through 1994

Foreign language	Number of documents	Percent of total documents (Percent)
Cambodian .....	1	0.4
Chinese .....	2	0.8
French .....	12	4.5
German .....	1	0.4
Italian .....	1	0.4
Portuguese .....	3	1.1
Romanian .....	2	0.8
Russian .....	2	0.8
Samaritan .....	1	0.4
Spanish .....	221	83.4
Tagalog .....	1	0.4
Ukrainian .....	1	0.4
Multiple languages <sup>1</sup> .....	17	6.4
Total .....	265	100.0 <sup>2</sup>

<sup>1</sup> Documents in this category include text that was printed in more than one language—e.g. Spanish and English.<sup>2</sup> Total does not add to 100 due to rounding.

Source: GAO analysis of the GPO and NTIS document databases.

It should be noted that the above information was obtained from a computerized information query of the two databases cited. The documents identified in the search were not verified back to the published source document. Also, according to a GPO official, not all Federal foreign language publications and documents may be included in the GPO monthly catalogue database. Apparently, Federal departments and agencies have the discretion to print and distribute some documents that are not to be included in the GPO database. Thus, the 265 foreign language documents we identified should not be considered to be a total Federal Governmentwide (excluding the Departments of State and Defense) figure for the cited 5-year period.

We are sending copies of this letter to the Chairman, Senate Committee on Governmental Affairs, and will make it available to others upon bequest.

We trust that this information satisfactorily responds to your request. Please call me if you have any further questions.

TIMOTHY P. BOWLIN,  
Associate Director,  
*Federal Management and Workforce Issues*

Chairman STEVENS. I apologize to my good friend, Senator Akaka. I did not see him over here before. Did you have any comments to make before we continue?

#### OPENING STATEMENT OF SENATOR AKAKA

Senator AKAKA. Mr. Chairman, thank you very much, and I would like to add my welcome to Senator Shelby and my friend, Congressman Emerson, and also Congressman Roth, as they testify here on Senator Shelby's bill.

Mr. Chairman, looking at the testimony that we will be hearing and hearing from my friends here, I am on the other side. At the outset, I should tell you I have strong reservations about this measure. While I appreciate what the bill is doing, which is to promote linguistic unity in this country, I feel that it may be the beginning of a growth in some problems in our country, so let me just quickly mention them.

I feel that rather than unifying the Nation, S. 356 could potentially divide Americans along ethnic and cultural lines, fostering

the very tendencies that the bill hopes to prevent. There are a number of major reasons why this bill may be inadvisable.

First, since 97 percent of Americans already speak English, it seems to be unnecessary. Second, S. 356 could reduce access to important Federal services for a small minority of citizens and residents who, for perhaps reasons beyond their control, are not fully proficient in English.

Third, it could undermine our longstanding commitment to bilingual education programs, bilingual voting materials, and to laws and regulations protecting employees from language-based discrimination.

Fourth, it overlooks the right of Native Americans, as well as those who live in the U.S. territories, to speak and conduct business in their native languages that historically preceded the use of English. Fifth, it may well represent a violation of the First Amendment, as a recent appellate court ruling on a similar Arizona law demonstrates.

Sixth, the measure is inconsistent with the need to encourage and support foreign language skills, a key element of our ability to compete internationally. Finally, and perhaps most importantly, I believe that it would foster ethnic and racial intolerance and establish a litmus test of citizenship based on the ability to speak a particular language.

As one who represents the most ethnically diverse State in the Union, I hope that this Committee carefully considers the negative implications of this well-intended legislation. I would like to notify members that if and when this measure is marked up, I intend to offer a number of amendments addressing some of the issues I have just raised.

I thank you, Mr. Chairman, for this opportunity to voice my opinion and thank you for this opportunity, and I ask that my full written statement be inserted in the record.

Chairman STEVENS. It will be, Senator, and we are very pleased you are here and we look forward to your participating in hearings. We want you to know we will consider those amendments very seriously. There are some objections being raised. We want to be certain that we clarify the bill to meet those objections, if that is possible.

[The prepared statement of Senator Akaka follows:]

#### PREPARED STATEMENT OF SENATOR AKAKA

Thank you, Mr. Chairman. I'd like to join you in welcoming our witnesses to today's hearing, including our distinguished colleagues Senator Shelby, Congressman Emerson, and Congressman Roth, to discuss S. 356, Senator Shelby's bill to designate English as the official language of government.

At the outset, I should state that I have strong reservations about this measure. While I appreciate the ostensible purpose of this bill, which is to promote linguistic unity in this country, I feel it is deeply misguided. Rather than unifying the nation, S. 356 could potentially divide Americans along ethnic and cultural lines, fostering the very tendencies that the bill hopes to prevent.

There are a number of major reasons why this bill may be inadvisable. First, according to the last census, 97 percent of Americans are already conversant in English; linguistically speaking, we are already unified. Newcomers to this country understand that English is the *de facto* common language, and that successful assimilation is contingent upon learning English. Because knowledge of English is such a high priority with first generation immigrants, their children learn English often to the exclusion of their native languages. Acquisition of English skills is valued so

highly, in fact, that there are long waiting lines for English classes everywhere in this country. In this respect, S. 356 addresses a problem that simply does not exist.

Second, I fear that S. 356 would reduce access to important Federal services for the small minority of citizens and residents who are not fully proficient in English. Depending on how broadly or narrowly the "official business" clause is interpreted, these could include information related to taxpayer and disaster assistance as well as social security and veterans benefits. In fact, S. 356 could restrict information provided by members of Congress to their constituents. Yet, there is little evidence showing that providing information and services in other languages besides English has adversely affected services for English speakers. Moreover, I see little evidence that this is in fact a widespread practice. A recent GAO report requested by Senator Shelby found that only 0.06 percent of government documents it analyzed were printed in a language other than English; in other words, well over 99 percent of the documents GAO examined were printed in English.

A third concern I have with S. 356 is that it could undermine our longstanding commitment to bilingual education programs, bilingual voting materials, and to laws and regulations protecting employees from language-based discrimination. If this is the hidden intent of S. 356, it would be better to conduct a full and open debate on the merits of these issues separately. At the very least, if we legislate that official government business must be conducted only in English, the government should in turn be required to ensure that all citizens and immigrants are provided with the opportunity and means to become proficient in English. This would require more resources than Congress has lately been willing to provide.

Fourth, S. 356 is silent on the right of Native Americans as well as those who live in U.S. territories, to speak and conduct business in their native languages. Under this measure, Native Americans would have to choose between the desire to retain their cultural identity and the lure of Federal benefits. As such, this bill reflects the tragic history of this country's treatment of Native Americans; it represents yet another broken promise by the United States made to native peoples—in this case, Congress's obligation to preserve, protect, and foster the development of indigenous languages under the Native American Language Act of 1990.

Fifth, S. 356 may well be unconstitutional. The Ninth Circuit Court of Appeals recently struck down a similar Arizona law on the basis that it violated the First Amendment. In this connection, I would like to note that the issue of making English the official language was debated by the Founding Fathers as they drafted the Constitution; it was ultimately rejected as a curb to the democratic flow of ideas and speech, which they considered to be a higher priority.

Sixth, the measure is inconsistent with the need to encourage and support foreign language skills, a key element in our ability to compete internationally. How can Americans be expected to appreciate the importance of learning other languages if our very government imposes penalties for the use of languages other than English? In fact, enactment of S. 356 may open the door to other, more restrictive measures that attempt to legislate English as the sole language of private communications among our citizens.

Finally, and perhaps most importantly, I believe that S. 356 would foster division and intolerance at a time when this nation is still struggling to resolve ethnic and racial tensions. Instead of celebrating our diversity, this measure would create a litmus test of citizenship based on the ability to speak a particular language. Clearly this is at odds with what this country represents. Language is much too weak a principle to hold this polyglot nation together; we are united by the much more enduring, democratic principles that are embodied in the Constitution and Bill Rights. Tolerance, free speech, due process, free enterprise, equal protection—are these in any way contingent on our ability to converse in English?

As one who represents the most ethnically diverse State in the union, I hope that this Committee carefully considers the negative implications of this well-intended, but misguided legislation. I would like to notify members that if and when this measure is marked-up, I intend to offer a number of amendments addressing some of the issues I have just raised.

Thank you, Mr. Chairman. I look forward to hearing from our witnesses today.

**Chairman STEVENS.** Now, I have called the names—Mr. Mujica, Mr. Gallaway, Mr. Syeed, Mr. Qarni, and Ms. Vukelich. If I mispronounced those, I apologize, but would you please come to the table, please, if you are here.

What we are going to do here, ladies and gentlemen, is listen to your statements. We hope that you can summarize them. We will put all of the prepared statements that you may have in the record,

unless they are in book form. We want to do some conserving of the taxpayers' money here. We would like to have you go through and then we will address questions to any one of you after you are finished, so that way you will go through without interruption.

Let's start as you are on the list of the panel. Mr. Mujica, President of U.S.ENGLISH, we are happy to have you here today, sir.

#### TESTIMONY OF MAURO MUJICA, PRESIDENT, U.S.ENGLISH

Mr. MUJICA. Thank you, Mr. Chairman. Good morning. My name is Mauro Mujica. I am the Chairman and CEO of U.S.ENGLISH. Founded by former Senator S.I. Hayakawa, U.S.ENGLISH now has 650,000 members nationwide and is the largest and oldest organization working to make English the official language of the Government of the United States. We are today in support of S. 356, a bill that would make English the official language of the Federal Government.

I came to this country as an immigrant 30 years ago. I came to study architecture at Columbia University and decided to remain here and become a citizen. Thirty years ago, or even 15 years ago, even 5 years ago, I would never have thought that I would be testifying before the U.S. Congress asking legislators to declare English the official language of this Nation.

As an immigrant myself—I came originally from Chile—I know firsthand how important it is to know English to succeed in the United States. I have lived this issue, and it is incomprehensible to me that anyone would oppose the designation of English as the official language of this great country.

Mr. Chairman, the government's present practice of providing various multi-language services to newcomers to our country is ill-conceived. Multilingual government has made it possible for Americans and newcomers to do the following in their native languages: obtain a birth certificate, get a marriage license, get a driver's license, vote, file tax returns, take the citizenship exam, educate their children, file for Social Security, and more. The creation of this new culture of multilingual government, in effect, is removing the incentive for immigrants to assimilate quickly.

At the same time, the linguistic demographics of our country are changing. Today, 97 percent of Americans, including immigrants like myself, speak English, with just 3 percent unable to speak English at all. But if we use the Census Bureau's own figures, by the year 2050 this number will have grown to 43 million Americans. Thus, there is an acute need to come to grips with the burgeoning problem now before it spins out of control.

Today, there are 323 different languages spoken in the United States. Where do we draw the line? We cannot offer government services in hundreds of languages. Providing government services in all these languages is a short-term solution.

Do opponents of official English honestly believe that they are helping immigrants by providing government services in foreign languages? What they are really doing is preventing them from achieving their full economic potential. Teaching English to immigrants is the long-term solution that will help them become more productive members of this society.

Rather than providing a mismatch assortment of foreign language documents and services, we must do as S. 356 recommends. For example, money spent in printing tax instruction booklets in Spanish and Guides to the U.S. Mint in Chinese is money better spent teaching English. It is only through English fluency that immigrants can achieve the American dream, secure a well-paying job, make an informed voting decision, and receive a good education. Government bureaucrats, by trying to expand government services into more languages, persist in sending the message that English is not necessary to succeed in this country.

Individuals who are not English-proficient will be relegated to second-class citizenship and isolated by language barriers that will render them dependent on the government for assistance. I call this linguistic welfare. Even the staunchest opponents of official English legislation agree that English is the language of this country. Indeed, statistics show that there are long waiting lists of people who want to study English.

This issue must be addressed in a forthright and expeditious manner by Congress. U.S.ENGLISH is convinced that passage of S. 356 will benefit everyone by setting immigrants on the path to self-sufficiency. Eighty-six percent of Americans and 81 percent of immigrants want to make English the official language of this country, according to recent polls.

S. 356 would not threaten the great American tradition of diversity. Ironically, only a common language can preserve that tradition. Only a common tongue can bind together a nation formed by people from other countries, other races, other languages, other religions. It allows cross-cultural understanding where there is otherwise all too often misunderstanding, suspicion, and distrust.

The United States is a wonderful experiment that worked. We were able to form one united country by being able to communicate with one another and work together. We adopted one language, English, and this became the common denominator that allowed us to become one people, the Americans. Making English the official language will keep this common element as the unifying glue that binds this country together.

We are not asking people to stop using or to forget their first language. U.S.ENGLISH promotes the view that people gain by learning other languages. I am the head of U.S.ENGLISH and I speak four languages, with Spanish as my first language and the language I use in my home. It is my choice to preserve my culture and to teach my children this language, not the government's responsibility.

We immigrants should not come to the United States expecting to find what we left behind. There is a certain tradeoff. We have to adapt in order to enjoy the great opportunities that exist here. Immigrants coming to this Nation have accepted intrinsically an obligation to learn the common language of this country, English, as soon as possible. We come to this land to share in the American way of life and to realize the economic opportunities available to anyone determined to succeed. Immigrants don't come here for the weather or the landscape. We come here to build better lives for ourselves and our children. English opens the door to that new life.

U.S.ENGLISH supports S. 356, a rational bill which now has 22 cosponsors in the Senate and 192 cosponsors in the House of Representatives. The bill designates English as the official language of government business. It is a clear, focused, and common-sense prescription for streamlining government and unifying the American people.

There are exceptions contained within the bill for essential government services, like health and safety services, criminal court proceedings, foreign language instruction, and the promotion of travel and tourism. The legislation deals with the operations of the Federal Government. It does not interfere with what language is spoken in the street, in the church, in the home, or in business.

Mr. Chairman, I thank you for the opportunity to appear before your Committee, and on behalf of the 650,000 members of U.S.ENGLISH, we urge you to pass this essential and beneficial measure. Thank you.

[The prepared statement of Mr. Mujica follows:]

#### PREPARED STATEMENT OF MAURO E. MUJICA

Good morning, my name is Mauro Mujica. I am the Chairman and CEO of U.S.ENGLISH. Founded by former Sen. S.I. Hayakawa, U.S.ENGLISH now has 650,000 members nationwide, and is the largest and oldest organization working to make English the official language of government of the United States. We are here today in support of S. 356, a bill that would make English the official language of the Federal Government.

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Mr. Chairman, the government's present practice of providing various multi-language services to newcomers to our country is ill-conceived. Multi-lingual government has made it possible for Americans and newcomers to do the following in their native language: obtain a birth certificate, get a marriage license, get a driver's license, vote, file tax returns, take the citizenship exam, educate their children, file for Social Security benefits, and more. The creation of this new culture of multi-lingual government, in effect, is removing the incentive for immigrants to assimilate quickly.

At the same time, the linguistic demographics of our country are changing. Today 97 percent of Americans—including immigrants like myself—speak English, with just three percent unable to speak English at all. But if we use the Census Bureau's own figures, by the year 2050 this number will have grown to 43 million individuals! Thus, there is an acute need to come to grips with this burgeoning problem before it spins totally out of control. Today there are 323 different languages spoken in the United States. Where do we draw the line? We cannot offer government services in hundreds of languages.

Providing government services in all these languages is a short-term solution. Do opponents of official English honestly believe that they are helping immigrants by providing government services in foreign languages? What they are really doing is preventing them from achieving their full economic potential. Teaching English to immigrants is the long-term solution that will help them become more productive members of society.

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into more languages, persist in sending the message that English is not necessary to succeed in this country.

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This issue must be addressed in a forthright and expeditious manner by Congress. U.S.ENGLISH is convinced that passage of S. 356 will benefit everyone by setting immigrants on the path to self-sufficiency. Eighty-six percent of Americans and 81 percent of immigrants want to make English the official language of this country, according to recent polls.

S. 356 would not threaten the great American tradition of diversity. Ironically, only a common language can preserve that tradition. Only a common tongue can bind together a nation formed by people from other countries, other races, other languages, other religions. It allows cross-cultural understanding where there is otherwise all too often misunderstanding, suspicion and distrust.

The United States is a wonderful experiment that worked. We were able to form one united country by being able to communicate with one another and work together. We adopted one language—English—and this became the common denominator that allowed us to become one people, the Americans. Making English the official language will keep this common element as the unifying glue that binds this country together.

We are not asking people to stop using or to forget their first language. U.S.ENGLISH promotes the view that people gain by learning other languages. I am the head of U.S.ENGLISH, and I speak four languages, with Spanish as my first language and the language I use in my home. It is my choice to preserve my culture and to teach my children this language, not the government's "responsibility."

We immigrants should not come to the United States expecting to find what we left behind. There is a certain trade-off. We have to adapt in order to enjoy the great opportunities that exist here. Immigrants coming to this nation have accepted intrinsically an obligation to learn the common language of this country—English—as soon as possible. We come to this land to share in the American way of life and to realize the economic opportunities available to anyone determined to succeed. Immigrants don't come here for the weather or the landscape; we come here to build better lives for ourselves and our children. English opens the door to that new life.

U.S.ENGLISH supports S. 356, a rational bill which now has 22 co-sponsors in the Senate and 192 co-sponsors in the House of Representatives. The bill designates English as the official language of government business. It is a clear, focused and common-sense prescription for streamlining government and unifying the American people. There are exemptions contained within the bill for essential government services like health and safety services, criminal court proceedings, foreign language instruction and the promotion of travel and tourism. The legislation deals with the operations of the Federal Government; it does not interfere with what language is spoken on the street, in the church, in the home or in business.

Mr. Chairman, I thank you for the opportunity to appear before your Committee on behalf of the 650,000 members of U.S.ENGLISH who urge you to pass this essential and beneficial measure. Let's act now to set a common-sense approach, making English the official language of the government.

Celebrate English, the language that unites us; streamline government; and give immigrants a helping hand by teaching them our shared language: English!

Chairman STEVENS. Thank you very much.

Mr. Gallaway?

#### **TESTIMONY OF LOWELL GALLAWAY, ECONOMIST, OHIO UNIVERSITY**

Mr. GALLAWAY. Thank you very much, Senator. I thank you for the opportunity to appear before you this morning to discuss this important topic. I will provide something of a change of pace. I am going to play the role of bean counter, and I assume you all know what an economist is. That is an accountant without the charisma, and so I hope you will bear with me as I recite some figures for you.

My comments reflect some of the findings of a major research study of the phenomenon of immigration, and it is currently being conducted in collaboration with my Ohio University colleague, Richard Vedder. Specifically, using 1990 census data, we have investigated the relationship between English language proficiency and various measures of economic success for foreign-born members of American society.

The technical aspects of our research are explained in two documents, "Economic Impact of English Language Comprehension: Evidence for U.S. Immigrants," and "The Impact of Poor English Language Skills on State Government," which I request be incorporated in the hearing record.<sup>1</sup>

I will summarize our findings in a brief fashion. First, we observe that English language proficiency among the foreign-born population has a strong positive effect on household earnings. Using data for 41 different nationality groups, we estimate that the 1989 average per-household loss of earnings due to lack of English skills was \$7,390.

This loss of earnings translates into higher poverty rates for the foreign-born. Our data indicate that, on average, the official poverty rate for the foreign-born is 6.4 percentage points greater because of diminished English language capacity. At 1995 population levels, this amounts to an addition of 1,455,000 people to the poverty rolls, simply because of limited English language capability.

We also examined the link between facility with English and labor force participation; that is, the percentage of the population either working or actively seeking work. Our findings indicate that the foreign-born labor force would have been 715,000 greater were it not for the relative lack of English competence.

Employment and unemployment are also affected by English language proficiency. Our estimates of the unemployment effect show a net increase in unemployment among the foreign-born of about 210,000 jobs resulting from sub-standard English language skills. Add that to the labor force participation decline of 715,000 and you have a total employment loss of about 925,000 for the foreign-born that can be attributed to English language shortcomings.

One final set of estimates of the effect of lack of English capability among the foreign-born is appropriate; namely, the impact it has on the volume of public assistance payments claimed by the foreign-born population. We use the census definition of public assistance, Aid to Dependent Children, Supplemental Security Income, and General Assistance payments.

The value of these payments in 1989 amounted to \$475 per foreign-born household, compared to \$293 per native-born household. Adjusting those data to reflect changes since 1989 gives 1995 per-household estimates of \$599 for foreign-born and \$370 for native-born households. The \$229 difference can be thought of as the foreign-born over-burden of public assistance payments. This amounts to a total dollar amount of just over \$2 billion in 1995.

The important question is how much of that over-burden is the result of the foreign-born having English language deficiencies. Using the same methodology employed in developing the earlier es-

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<sup>1</sup> These documents appear on pages 109 and 130.

timates, we conclude that 76 percent of the public assistance overburden can be explained by a lack of English proficiency among the foreign-born.

Now, one further comment on the public assistance issue is appropriate. There are more public assistance payments for foreign-born households than among the native-born, to be sure. However, there is no evidence that the settlement patterns of the foreign-born in the United States are systematically related to either the availability or level of public assistance benefits.

A few final words. We conclude that a major source of whatever economic distress there may be in the foreign-born population is a lack of English language skills. Anything that contributes to eliminating English language deficiencies will reduce these problems, while any policy that increases English language dysfunction will worsen the economic status of the foreign-born.

I will add I did provide State-by-State information of these effects for the States that are represented by Members of the Governmental Affairs Committee and it is attached to my written statement. Thank you.

[The prepared statement of Mr. Gallaway follows:]

#### PREPARED STATEMENT OF PROFESSOR LOWELL GALLAWAY

Thank you for the opportunity to appear before you this morning to discuss this important topic. My comments will reflect some of the findings of a major research study of the phenomenon of immigration being conducted in collaboration with my Ohio University colleague, Richard Vedder. Specifically, using 1990 Census data, we have investigated the relationship between English language proficiency and various measures of economic success for the foreign-born members of American society. The technical aspects of our research are explained in two documents, Economic Impact of English Language Comprehension: Evidence for U.S. Immigrants and The Impact of Poor English Language Skills on State Government, which I request be incorporated in the hearing record.

I will summarize our findings in a brief fashion. First, we observe that English language proficiency among the foreign-born population has a strong positive effect on household earnings. Using data for 41 different nationality groups, we estimate that the 1989 average per household loss of earnings due to lack of English skills was \$7,390.

This loss of earnings translates into higher poverty rates for the foreign-born. Our data indicate that, on average, the official poverty rate for the foreign-born is 6.4 percentage points greater because of diminished English language capacity. At 1995 population levels, this amounts to an addition of 1,455,000 people to the poverty rolls, simply because of limited English language capabilities.

We also examined the link between facility with English and labor force participation, that is, the percentage of the population either working or actively seeking work. Our findings indicate that the foreign-born labor force would have been 715,000 greater were it not for the relative lack of English competency.

Employment and unemployment are also affected by English language proficiency. Our estimates of the unemployment effect show a net increase in unemployment among the foreign-born of about 210,000 jobs resulting from sub-standard English language skills among the foreign-born. Add that to the labor force participation decline of 715,000 and you have a total employment loss of about 925,000 for the foreign-born that can be attributed to English language shortcomings.

One final set of estimates of the effect of lack of English capability among the foreign-born is appropriate, namely, the impact it has on the volume of public assistance payments claimed by the foreign-born population. We use the Census definition of public assistance, Aid to Dependent Children, Supplemental Security Income, and General Assistance payments. The value of these payments in 1989 amounted to \$475 per foreign-born household, compared to \$293 per native-born household. Adjusting those data to reflect changes since 1989 gives 1995 per household estimates of \$599 for foreign-born and \$370 for native-born households. The \$229 difference can be thought of as the foreign-born overburden of public assistance payments. This amounts to a total dollar amount of \$2.05 billion in 1995.

The important question is how much of that overburden is the result of the foreign-born having English language deficiencies. Using the same methodology employed in developing the earlier estimates, we conclude that 76 percent of the public assistance overburden can be explained by a lack of English proficiency among the foreign-born.

One further comment on the public assistance issue is appropriate. There are more public assistance payments per foreign-born household than among the native-born, to be sure. However, there is no evidence that the settlement patterns of the foreign-born in the United States are systematically related to either the availability or level of public assistance benefits.

A few final words. We conclude that a major source of whatever economic distress there may be in the foreign-born population is a lack of English language skills. Anything that contributes to eliminating English language deficiencies will reduce these problems while any policy that increases English language dysfunction will worsen the economic status of the foreign-born.

(Detailed State-by-State information describing the impact of English language deficiencies on poverty, labor force participation, employment, unemployment, and the burden of public assistance is provided for the States represented by Members of the Committee on Governmental Affairs.)

Table 1

Changes in Poverty Population, Number in Labor Force, Unemployed, Employed, and Public Assistance Payments Because of Lack of English Language Proficiency, by State, United States, 1995

State	Poverty Population	Labor Force	Unemployed	Employed	Public Assistance (\$000)
Alaska .....	+2,006	-985	+292	-1,277	+2,416
Arizona .....	+21,790	-10,703	+3,172	-13,875	+8,385
Arkansas .....	+1,697	-834	+247	-1,081	+506
Colorado .....	+9,597	-4,714	+1,397	-6,111	+4,125
Connecticut .....	+18,856	-9,262	+2,745	-12,007	+22,261
Delaware .....	+1,455	-715	+212	-927	+556
Georgia .....	+12,338	-6,060	+1,796	-7,856	+5,320
Hawaii .....	+10,035	-4,929	+1,461	-6,390	+6,437
Maine .....	+2,538	-1,247	+369	-1,616	+2,475
Michigan .....	+22,510	-11,057	+3,277	-14,334	+26,146
Mississippi .....	+1,457	-716	+212	-928	+295
New Hampshire .....	+2,785	-1,368	+405	-1,773	+1,140
North Dakota .....	+609	-299	+89	-388	+145
Ohio .....	+15,349	-7,539	+2,234	-9,773	+13,365
Tennessee .....	+3,892	-1,912	+567	-2,479	+1,371

Chairman STEVENS. Thank you very much, Mr. Gallaway. We appreciate your courtesy.

Dr. Syeed?

#### TESTIMONY OF SAYYID MUHAMMAD SYEED, SECRETARY GENERAL, ISLAMIC SOCIETY OF NORTH AMERICA

Mr. SYEED. Thank you, Mr. Chairman. My name is Sayyid Muhammad Syeed. I have my Ph.D. in linguistics and language planning from Indiana University, and I am a Muslim community leader. I am Secretary General of the Islamic Society of North America.

Mr. Chairman, the English language is virtually a link language globally. In every country, the learning of English is encouraged and is required for upward social and economic movement. In America, we cannot do differently. We must encourage the knowledge of English to facilitate dignified participation and interaction with the system.

We are rich in languages. No other country in the world has speakers of as many languages as the United States has, but many other countries have designated one language as its official language for interlingual communication and as a State language.

We should continue to promote diversity of languages for academic, religious, cultural, and personal reasons, but this diversity should be bridged by identifying one language as the national language. The English language is no more a language of a particular race or religion. The Muslim community in North America speaks hundreds of languages. We have found English as a unifying means of communication among ourselves and with the American mainstream.

While Arabic is the language of the Qu'ran, the Muslim scripture, English is the means of communication for Muslims coming from different linguistic backgrounds. According to some estimates, the number of Muslims in North America is between 8 to 10 million. English has become a repository of our religious, cultural, and intellectual treasures. Every day, Islamic literature is published in the English language in the United States and around the world. Many of our valuable classical Islamic books are being translated into English from the languages traditionally identified as Islamic languages like Arabic, Persian, Turkish, Urdu, Swahili, Malaysian.

Muslims with competence in English have access to far more writings in English on Islam than those who know their native language only. For Muslims in America, learning English has become a religious duty. It helps them to enrich themselves personally. It provides them access to vast, enormous amounts of literature in English and solidarity with the members of their own community who may not speak their native tongues. Above all, it opens up possibilities of full participation in the mainstream institutions.

The American Muslim community has been able to contribute in fields of science, technology, business, politics, art, and architecture in far more effective ways than our brethren in European countries. The total number of Muslims in European countries has reached 15 million. The English language has played a very important role in this. The host languages of Europe have not provided a similar kind of opportunity for spiritual and material growth and community solidarity. We would certainly like to see the English language recognized as an official language, and thus encourage everyone to learn English and enjoy a spiritual and material uplift.

In the 20th Century, the field of language planning has seen great advancement. In many nation states, based on national languages, a planned growth of national language has shown what miracles could be achieved. Languages that were of limited use or even dead languages were revived and promoted as languages of science, technology, and higher civilization.

The Hebrew language had not been used in running the affairs of a nation or as a language of daily matters for centuries, but a planned revival helped to see what was otherwise unimaginable. We, too, need to set some goals for the linguistic shape of America to come and plan the growth of spread of languages for the 21st Century. While we should be interested in having the diversity of languages as a treasured resource, we need to plan a systematic unification of different language groups and individuals through a higher competence of our shared common language; that is, English.

What you do as legislators to advance this maxim is all too important today. Any policy that could be adopted to officially recog-

nize the unique status of English in the United States should be done so as quickly as possible. Making English the official language of the U.S. Government will serve to bring us together by removing a barrier that otherwise can keep us apart.

Again, I thank the Chairman and the Members of the Committee for providing me this opportunity to present my testimony. I would like this to be put on record, and also this pamphlet that I have circulated, "A Century of Islam in America," about the Muslim community in America. Thank you.

Chairman STEVENS. We will accept the booklet for the Committee records and print your statement in full in the record.

[The prepared statement of Mr. Syeed follows:]

#### PREPARED STATEMENT OF DR. SAYYID MUHAMMAD SYEED

I am Dr. Sayyid Muhammad Syeed, Secretary General of the Islamic society of North America. It is a privilege to be with you this morning to testify on English as our common official language. As a trained linguist and a Muslim community leader, I would like to submit my testimony in support of English as the official language for the U.S. Government.

The English language is virtually a link language globally. In every country, learning of English is encouraged or required for upward social and economic movement. In America we cannot do differently. We must encourage the knowledge of English to facilitate dignified participation and interaction with the system. We are rich in languages. No other country in the world has speakers of as many languages as the United States has, but many other countries have designated one language as its official language for inter-lingual communication and as a State language. We should continue to promote diversity of languages, for academic, religious, and cultural and personal reasons. But this diversity should be bridged by identifying one language as the national language.

The English language is no more a language of a particular race or religion. The Muslim Community in North America speaks hundreds of languages. We have found English as a unifying means of communication among ourselves and with the American mainstream. While Arabic is the language of the Qu'ran, the Muslim scripture, English is the means of communication for Muslims coming from different linguistic backgrounds. English has become a repository of our religious, cultural and intellectual treasures. Every day Islamic literature is published in the English language in the United States and around the world. Many of the valuable classical Islamic books are being translated into English from the languages traditionally identified as Islamic languages like Arabic, Persian, Turkish, Urdu, Swahili, Malaysian. Muslims with competence in English have access to far more writings in English on Islam than those who know only their native tongues. For Muslims in America, learning English has become a religious duty. It helps them to enrich themselves personally. It provides access to vast amounts of literature in English and solidarity with the members of their community who may not speak their native tongues. And, above all, it opens up possibilities of full participation in the mainstream institutions.

The American Muslim Community has been able to contribute in fields of science, technology, business, politics, art, and architecture in far more effective ways than our brethren in European countries. The English language has played a very important role in this. The host languages of Europe have not provided a similar kind of opportunity for spiritual and material growth and community solidarity. We would certainly like to see the English language recognized as an official language and thus encourage everyone to learn English and enjoy a spiritual and material uplift.

In the 20th Century, the field of language planning has seen great advancement. In many nation states based on a national language, a planned growth of national languages has shown what miracles could be achieved. Languages that were of limited use or even dead languages were revived and promoted as languages of science, technology and higher civilization. The Hebrew language had not been used in running the affairs of a nation or as a language of daily matters for centuries. But a planned revival helped to see what was otherwise unimaginable. We too need to set some goals for the linguistic shape of America and plan the growth and spread of languages for the 21st Century. While we should be interested in having the diversity of languages as a treasured resource, we need to plan a systematic unification

of different language groups and individuals through a higher competence of our shared common language—English. What you do as legislators to advance this maxim is all too important today. Any policy that could be adopted to officially recognize the unique status of English in the United States should be done so as quickly as possible. Making English the official language of the U.S. Government would serve to bring us together by removing a barrier that otherwise keeps us apart.

Again, I thank the Chairman and Members of the Committee for the opportunity to appear before you today. I would be happy to answer any questions any of you might have at this time.

Chairman STEVENS. Mr. Qarni?

#### **TESTIMONY OF SHAHAB QARNI, EXECUTIVE DIRECTOR, ASIAN AMERICAN UNION**

Mr. QARNI. Good morning, Mr. Chairman and Members of the Committee. Thank you for inviting me to give me an opportunity to present this statement before the Committee about S. 356, the official language of the United States.

My native language is Urdu and I am from Pakistan. I wonder if English was not a medium of language today in this room what I would be doing, you know, and how I will be communicating with the distinguished Members of the Committee here. So, that gives us one point, you know, why English is very important and is a common medium of communication and U.S. official language of this country.

In my presentation, I have got a couple of angles which affect a person as an individual. When I started my journey coming as a new immigrant to America, I had an overnight stay through the courtesy of the airline, which was in Istanbul, Turkey, for 24 hours. I cannot imagine if English was not there, even in the broken form and shape, how I could have survived in Turkey. So, that is one thing, you know, which I experienced coming to this country.

The second stop for a couple of hours was in Brussels, Belgium, and, believe me, it took 2 hours there to get a kosher sandwich, but again me and the cafeteria people, we used English, although, again, in the broken form. So, that is a very personal experience before landing into this country.

As an Asian immigrant, when I came to this country I found that, well, this is the only language where I can accomplish a lot of things and it is the language of opportunity and growth and participation, and here I am sitting in front of you as the Executive Director of the Asian American Union. We represent a lot of Asian countries at our board of directors. It is almost a nationwide organization, and the lesson I learned from my personal experiences we are now translating into reality by telling the new Asian immigrants why this language is so important to integrate into this system and to get the best out of the opportunities available in this country.

So when I hear a lot of opposition on this language that, well, this bill is going to kill the heritage, the culture, different other languages or religion, I don't see that. I mean, as Dr. Syeed very well said, well, it is the other way. You know, I mean to integrate into this system, we are using this language as an advantage religiously.

As far as economics is concerned, my worthy friend here presented that well, how it is very important, you know, on the eco-

nomic perspective. So I don't see any reason why we should not declare this language as an official U.S. language.

The other very important angle which I want to present is that this is about making this language as an official language, and this is very much a public policy issue. I think it is about time that our friends at the legislative branch and the friends at the executive branch should feel some responsibility and make this language as an official language.

I understand that there are a lot of politics going on. There are a lot of political interests. There are a lot of lobbying interests for different other groups why they want to oppose this language, but I think it is about time that we move forward and make this language as an official U.S. language and cut down on a lot of wastage, wastage of money, wastage of time.

As we were driving this morning from our hotel, one of our friends from California said, Shahab, why are we going to this Committee? I said, well, to testify on this issue. She said, this is not an issue at all because this is a wastage of time. I mean, this should not have been an issue at all. So I just tell my friends on the other side, well, it is about time we should overcome the differences and let's declare this as an official language of this country and get on to some other productive work, you know, and work on some other good things.

I think I have pretty much covered all those aspects, and I thank this Committee for giving me an opportunity. I would request that my testimony should be placed in the Committee record.

Chairman STEVENS. Yes. All of your statements will be placed in the record.

Mr. QARNI. All right, and I am open to questions if you have any. Thank you.

Chairman STEVENS. Thank you. We will have some questions.  
[The prepared statement of Mr. Qarni follows:]

#### PREPARED STATEMENT OF SHAHAB QARNI

Distinguished Chairman and Members of the Committee, thank you for allowing me to appear before you today to present my point of view of why English should be declared the official language of the U.S. Government. I certainly never imagined that I, a Pakistani immigrant, would ever be testifying before a Senate Committee. But, this issue is one of such enormous importance that I felt had to get involved. I thank the Committee for its generosity.

I came here from Pakistan to better my life and to avail myself of the best opportunities that are available in this world. I am a citizen of America by naturalization. I recall my father lecturing to me on the importance of learning English. He realized that in order for his family to live the American Dream, it was essential that we learn English as quickly as possible so that we could compete with Americans. In fact, before ever having arrived in the United States I learned the important role English plays in the global economy. As a new immigrant I took a plane to travel to America. The Airline gave me a courtesy over night stop in Istanbul, Turkey. Believe me, if not for the small amount of English (in its broken forms) that I could use as a medium of communication between me and the Turkish people I encountered, I could not have survived there for 24 hours. My next stop was in Brussels, Belgium. Again, English was the only thing that helped me survive.

My father told me that this is the country of opportunity. However, he also never neglected to tell me that you have to create your own opportunities. He would say, "Nobody is going to give you anything, you have to go out and get it." I strongly believe this philosophy. In fact, as President of the Asian American Union, I often say the same to the young immigrants that I encounter while doing my work. It is our mission to assist new Asian-American immigrants and business-persons assimilate into American society, while at the same time maintaining their culture.

I like to think that we are effective in accomplishing our mission, as we have been responsible for assisting hundreds of individuals in obtaining their part of the American Dream. And in each case, we have stressed the importance of each new immigrant learning English. Without question, English language skills play a crucial part in the success of those individuals.

I have been very lucky in life. I have been able to participate in the American Dream. And it brings me great joy whenever I can help one of my fellow immigrants to do the same. However, make no mistake, as someone who came to this country by choice, I believe that we have an obligation to our host country to learn its common language—English. It is but one small way to show our good will and gratitude for the opportunities this country has to offer. The American Dream is still alive, if one is willing to do as my father told me: "Work hard to take advantage of the many opportunities that exist in this wonderful country—and create opportunities when necessary." This is a great country, where one can experience much success. However, English language proficiency is the integral part of any immigrant's journey to success.

The issue of English as the official language is one of tremendous importance. I believe as one of the representatives of Asian Americans that the responsibilities of declaring English as the official language of the United States heavily lies upon the legislative and executive branches of our political system. It is about time that your obligations are exercised to this Nation by declaring English as the official language of the Federal Government. I strongly assure you that by doing so you will be cutting down on government waste, and moreover this step will unite Americans.

Providing government services in languages other than English is a short-term solution—like offering an aspirin to a man with a broken leg: The patient feels better but is still unable to walk unassisted. Provide that same man with the knowledge of English as a crutch and soon he will have the ability to walk on his own without having to rely on the government's "foreign language" programs. This is a lifetime solution.

Frankly, I am amazed that this government would practice multi-language governing. For instance, the Internal Revenue Service (IRS) sent out Spanish language tax forms. Indeed, the IRS didn't send me a tax form in my native language of Urdu. Why does this government play a numbers game with immigrants? Just because there are more Spanish speakers than Urdu speakers, should we offer only Spanish language forms? It seems to me that such a program is inherently discriminatory. Indeed, I believe that such foreign language programs establish very dangerous precedents, for what is to keep the Urdu speakers in America from demanding government publications and services in their native language? Do we really want every language group separating itself and putting that type of a demand on the Federal Government?

I am originally from Pakistan. But I know that English is the common denominator in this country, and that public policy should reflect that fact. I could imagine coming before this committee in my capacity as President of the Asian American Union and requesting that this committee and Congress as a whole provide any and every government service and publication in the many languages of Asia. That to me seems ludicrous. However, some ethnic leaders are suggesting just that. They seem to think that by declaring English the official language you will be taking away their culture and native language. I disagree.

I am Muslim. As you may know, our holy book the Quran is in Arabic. I don't know Arabic. The only language which we use to understand the Quran is English, because most accurate translations which are available are in the English language.

I have reviewed the bill before you, S. 356, and in no way does that bill take away my right to speak my language in my everyday life or in my religious endeavors. What it does do, however, is establish a policy which guarantees me the same accessibility to government documents and services as everyone else. We live in a Democracy, and communication is essential. That communication should be the same for all the diverse people living in the United States. English is the language of this country. It is about time that it is officially recognized.

I thank you for the opportunity to appear before you today.

Chairman STEVENS. Ms. Vukelich?

#### **TESTIMONY OF MIROSLAVA VUKELICH, PRIVATE CITIZEN**

Ms. VUKELICH. Thank you, Mr. Chairman and Members of the Senate Governmental Affairs Committee. My name is Miroslava Vukelich, and I am very thankful that I can be here to testify and to express my feelings as to the English language.

I am here today because as a naturalized citizen, educator, journalist, writer, and a person who in various capacities is in the field of arts and education, I still believe, as I did when I came to this country, in America and Thomas Jefferson's one government of the people, by the people, and for the people.

Yes, I am here today because I fully support the long-due S. 356 bill which designates English the official language of the American Government. Furthermore, I see the bill as a key to a new America and to a new history in America, as an important vehicle that is going to take us unified into the 21st Century with countless social, political, and economic opportunities for all.

I came to this country from Belgrade, Yugoslavia, to study at Bradley University in Peoria, Illinois, and later to transfer to UCLA. My tuition was paid by Bradley University. The Yugoslav government allowed my father to pay for my transportation and to give me \$10 in case of emergency. Actually, my father, an attorney, and my mother, a practical woman and a woman of vision and inspiration, had both instilled in me the thoughts of democracy that existed in this country. At the age of 18, I decided to make a change in my life and come here and get an education in this country.

In spite of the fact that I was Yugoslavia's junior tennis champion, on the women's number one basketball team in our country, and in spite of the highest possible GPA in high school, I was not admitted to the Belgrade School of Medicine to become a plastic surgeon simply because I was not a member of the communist party.

The first few months here were definitely not easy for me. I came with a limited English proficiency and I chose difficult subjects in school, but a strong desire to succeed and countless opportunities that this country is offering, the hospitality of the American people, and the determination to prove myself did not allow me to lose faith in myself.

On the contrary, I learned immediately and firsthand why it is so important to learn English right away, to speak it, to understand it. Being on my own and just another youngster, I quickly realized that to take advantage of all the opportunities, to communicate with people around me, and to fully become a part of a system, there was no doubt in my mind that I had to learn English.

Since that time, I have traveled as an athlete, journalist, and educator extensively to different parts of the United States and the world and, as such, have encountered countless opportunities to talk to people from different ethnic, racial, and religious backgrounds and to deal with people from different walks of life.

Most importantly, I had the chance to hear different opinions about English in this country and find out that approximately 8 out of 10 people are for making English the official language of the government. For this reason, there is no doubt in my mind that S. 356 is going to bring back unity and prosperity, and enhance spiritual, social, political, and economic life.

I still remember how once people in the United States took pride in learning English, and so did I. It was spiritually uplifting to know that the language alone was giving me a direction in life, was empowering me to reach my goals. Moreover, learning English and

not having too many people to converse with in Yugoslav didn't make me afraid of ever losing my culture.

On the contrary, I became a member of the Motion Picture Academy and the Hollywood Foreign Press Association in order to function as a film and TV critic for major newspapers and magazines in Yugoslavia. I held for a while a Yugoslav radio hour, produced the Yugoslav Rhapsody, and recorded numerous ballads that dealt with subjects of interest to numerous Americans of Yugoslav origin.

Being able to use two languages proficiently even helped me become a consultant to an American film company that makes films in Yugoslavia. Yet, during the last two decades the idea of using English and one's native tongue concurrently has taken some mega-linguists into a realm of the impossible. Billions of U.S. dollars are wasted on programs that require the immigrant student to stay in native language maintenance courses for so many years that they are unable to channel them into mainstream English.

Unfortunately, English is no longer a language to take pride in. Why? First, by not being the official language of the U.S. Government, English has, in a way, deprived American society from that something spiritual that kept its people together and unified since the Declaration of Independence.

Secondly, along with many Americans who were born in this country, there has been a rising number of immigrants who are somehow getting the wrong impression or message that it is not necessary to learn English; that the government will take care of it. Moreover, the children of those immigrants and my students—and I teach English, honor students, average students, people who do not speak English, and so on—in our public schools have cleverly been misinformed by the opponents of the monolingual government that English becoming the official language of the government will eventually deprive them of their cultures, their mother tongue, their family life, et cetera.

Because of this and many other symptoms in our society, I have begun more than ever before to realize that America's increasingly diverse society and intensified global contacts require that we must deal head-in with elements that can come between that do not allow individuals to interact with one another. According to Jonathan Kozal's "Illiterate America," there are 52 million functional illiterates in this country, not to mention the number of those who speak very little or no English at all because English as a language has lost its importance.

Moreover, from the political point of view, S. 356 will be making a great impact not only on the immigrant population, but also on those born in this country. Like the Statue of Liberty, English will become a tool of unification, a symbol of liberty and justice for all. It will empower both sides to communicate and interact with one another, and it will not allow problems that confront countries like the country of my birth, Yugoslavia, Canada, the former Soviet Union, and others to occur. Having an official language policy will not in any way harm the land of the free. We must not allow separate language groups to ignite racial and ethnic conflicts.

With the passage of S. 356, billions of dollars could be saved and used to improve education that is right now at its lowest, and that should be of concern. All of our youngsters need urgent help, and

so do the homeless and the underprivileged. Again, that is why I support S. 356. It is compatible with progress, with efficiency, and with modernity. It breeds unity, success, and it will definitely take immigrants away from being secondary citizens.

Finally, Mr. Chairman, as a naturalized American citizen who has experienced firsthand the importance of learning English, I was also able to follow a gradual decline in educators' and students' understanding of its importance. Many of those born in this country cannot read and write English, and those coming from foreign lands are not being channeled fast enough into mainstream English classes.

Troubled by this situation, I have introduced a new way of viewing the English language and its structural simplicity. It is the Effective English Basics strategy that allows all Americans to master English basics in a fun-filled and speed-of-light way. Because of this and all other reasons, I am strongly supporting S. 356 which designates English as the official language of the U.S. Government, but we must not wait. We must act now, for if we do wait, it may be too late.

Thank you very much. I am happy to be here and I am ready to answer your questions.

[The prepared statement of Ms. Vukelich follows:]

#### PREPARED STATEMENT OF MIROSLAVA VUKELICH

Mr. Chairman and Members of the Senate Governmental Affairs Committee, my name is Miroslava Vukelich. I am here today because as a naturalized citizen, educator, journalist, worker, and a person who in various capacities is in the field of arts and education, I still believe, as I did when I came to this country, in America and Thomas Jefferson's "government of the people and for the people". Yes, I am here today because I fully support the long due S. 356 bill, which designates English the official language of the American government. Furthermore, I see S. 356 as a key to a new era in American history, an important vehicle that is going to take us into the 21st Century with countless social, political, and economic opportunities for all.

I came to this country from Belgrade, Yugoslavia to study at Bradley University, in Peoria, Illinois, and later to transfer to UCLA. My tuition was paid by Bradley University. The Yugoslav government allowed my father to pay for my transportation and to give me ten U.S. dollars to have an emergency. Since that time, I have frequently been asked how I was not afraid to leave my family and with only \$10 and come to a new country. Well, my answer then was and today still is: American democracy, unity, and broader vision of the world, opportunities. . . . Actually, my father, an attorney, and my mother, a practical woman and a woman of vision and inspiration, had both instilled in me the thoughts of democracy, and at the age of eighteen, I decided to make the change in my life. I really wanted to run away from a situation that was hurting me a lot, but was, at the same time, allowing me to find out what I wanted to do in life.

In spite of the fact that I was Yugoslavia's Junior Tennis Champion, on the women's number one basketball team in the country, and in spite of the highest possible GPA in high school, I was not admitted to Belgrade's School of Medicine to become a plastic surgeon, simply because I was not a member of the Communist party. Months later, I chose to major in English and journalism with a minor in foreign languages and political science.

The first few months were definitely not easy for me. I came with a limited English proficiency, and I chose difficult subjects in school. The school administrators offered me a job in the library and the dormitory so I could pay for my room and board there. But, a strong desire to succeed, countless opportunities to reach my goals, the hospitality of the American people and the determination to prove myself, did not allow me to lose faith in myself. On the contrary, I learned immediately and first hand why it is so important to learn English right away, to speak it, to understand it. Being on my own, and just another youngster, I quickly realized that to take advantage of all the opportunities, to communicate with people around me, and

to fully become a part of the system, there was no doubt in my mind that I had to learn English.

Since that time, I have travelled as an athlete, journalist and educator extensively to different parts of the United States and the world, and as such have encountered countless opportunities to talk to people from different ethnic, racial, and religious backgrounds—to deal with people from different walks of life. Most importantly, I had the chance to hear different opinions about English in this country and find out that approximately eight out of ten people are for making English the official language of the government. There is no doubt in my mind that S. 356 is going to bring back unity and prosperity, an enhanced spiritual, social, political, and economic life.

I still remember how once people in the U.S. took pride in learning English, and so did I. It was spiritually uplifting to know that the language alone was giving me a direction in life, was empowering to reach my goals. Moreover, learning English and not having too many people to converse with in Yugoslav, didn't make me afraid of ever losing my culture or forgetting to speak my own native-tongue. On the contrary, I considered the knowledge of several languages an asset. I became a Member of the Motion Picture Academy, and the Hollywood Foreign Press Association, in order to function as a film and TV critic for major newspapers and magazines in Yugoslavia. I held, for a while, a Yugoslav radio hour, produced the Yugoslav Rhapsody, and recorded numerous ballads that dealt with the subject of interest to Americans of Yugoslav origin. Being able to use the two languages proficiently even helped me become a consultant to an American film company that made films in Yugoslavia. Yet, during the last two decades, the idea of using English and one's native-tongue concurrently has taken some "megalinguists" into a realm of the impossible. Billions of U.S. dollars are wasted on programs that require the student to stay in native language maintenance courses for so many years that they are unable to channel immigrant children into mainstream English.

Unfortunately, English no longer a language to take pride in. It has become more a language to be used casually by some, and as little as possible by others. By not being the official language of the U.S. government, English has, in a way, deprived the American society from that something spiritual that kept its people together since the Declaration of Independence. Too many have begun to ask what this country can do for them. And under the pretense of understanding minorities, the government has been for years misleading those immigrating into the United States.

As a matter of fact, along with many Americans who were born in this country, there has been a rising number of immigrants who are somehow getting the wrong impression or message that it is not necessary to learn English, that it is the duty of the government to accommodate them in their own languages. Moreover, the children of those immigrants in our public schools have cleverly been misinformed by the opponents of monolingual government that English becoming the official language of the government will eventually deprive them of their cultures, their mother tongue, their family life, etc. Before coming here to testify, I personally read the S. 356 bill to some of my immigrant students, and only after a lengthy and quite emotional discussion, I was able to get them to see the bill's true meaning and its usefulness to all of us.

Because of this and many other symptoms in our society, I have begun more than ever before to realize that America's increasingly diverse society and intensified global contacts require that we must deal head-on with elements that can come between, interwoven into a complex and to many quite an intimidating whole, that do not allow individuals to interact with one another. Thus, in the United States where English is spoken by the majority of its people, English has become that particular complex and intimidating whole. According to Jonathan Kozal's "Illiterate America", there are fifty-two million functional illiterates in this country, not to mention the number of those who speak very little or no English at all, because English as a language has lost its importance. It is truly ironic that structurally the simplest language of the world, the language spoken by the overwhelming majority of people in the United States, has not yet been designated as the official language of the U.S. Government.

Moreover, from the political point of view, S. 356 will be making a great impact not only on the immigrant population, but also on those born in this country. Like the Statue of Liberty, English will become a tool of unification, a symbol of liberty and justice for all. . . . It will empower both sides to communicate and interact with one another, and it will not allow problems that confront the country of my birth—Yugoslavia, Canada, the former Soviet Union and others. Having an official language policy will not in any way harm "The Land of the Free." We must not allow separate language groups to ignite racial and ethnic conflicts.

With the passage of S. 356, we will brighten our country's economic future. By printing government documents in one language only, billions of dollars could be

saved and used to improve the education that is right now at its lowest. All of our youngsters, as you may well be aware, whether born in this country or coming from a foreign country, need urgent help, and so do the homeless, the ill, the underprivileged. . . . Again, that is why I support the S. 356 bill. It is compatible with progress, with efficiency, and with modernity. It is, truly, an endorsement of numerous economic opportunities. It breeds unity, success, and it will definitely take immigrants away from being the secondary citizens.

Finally, Mr. Chairman, as a naturalized American citizen who has experienced first-hand the importance of learning English, I was also able to follow a gradual decline in educators' and students' understanding of its importance. Many of those born in this country cannot read and write English, and those coming from foreign lands are not being channeled fast enough into mainstream English classes.

Troubled by this situation, I have introduced a new way of viewing the English language and its structural simplicity. It is the Effective English Basics form other countries use to master it in a fun-filled and speed-of-light way. Because of this and all other reasons above, I strongly support the S. 356 which designates English the official language of the U.S. government. But, we must not wait, we must act now. For if we do wait, it may be too late. . . .

Thank you for your time. I'd be happy to answer questions.

Chairman STEVENS. Well, thank you very much. I have been sitting here thinking about Sam Hayakawa. After my first wife was killed in an accident, Sam sort of called me quite often and we went to dinner. I will never forget the fact that as we went from various restaurants to other places, Sam was able to speak with anyone in any tongue. I have never met a man who could just switch from English to French to Japanese to Chinese, to whatever. He really had the capability, and I said to him, Sam, how did you get this facility? He said, what you don't understand is that those of us who learn these different languages when we are young have an advantage; we can pick up another language so quickly.

I find it interesting that so many people are opposing this bill because they think somehow or other it puts their children who come from a different culture and a different language base at a disadvantage. Sam convinced me that was not the case. Do you all agree? Is there a facility for those who have a different tongue, once you start learning different languages, to just adapt increasingly to other language? Mr. Mujica, do you find that in your experience?

Mr. MUJICA. Yes, and especially today, you know, where English has become the international language. I am a businessman. I am an international architect, and wherever I go I can converse in English. Even if I know the local language, most of the time people prefer to communicate in an international language.

If a businessman from Japan goes to do business in Germany, they have the meeting in English. They don't have the meeting in the local tongues. Certainly, English is sort of the basis. Once you learn English for your own gratification, you can learn other languages. I am always studying languages. I enjoy studying languages, and I would be absolutely against someone who says, don't speak your language at home or wherever you want. It is a great asset to speak other languages.

Chairman STEVENS. Senator Shelby?

Senator SHELBY. Mr. Mujica, how important is English in this country to promote inclusion of multi-ethnic groups and multi-language groups that come into this country?

Mr. MUJICA. I think it is absolutely essential. We have to be able to talk to each other, to understand each other. Otherwise, we will

have complete chaos. I call the situation, you know, of the United States—being a foreigner, I call what happened here, this experiment, a reverse Tower of Babel situation.

Senator SHELBY. The reverse, right; the reverse?

Mr. MUJICA. The reverse. According to the Bible, you know, when God wanted to punish his people, he forced them to speak different tongues so they couldn't communicate in building this tower, and what happened in this country is absolutely the reverse. We came from everywhere in the world, speaking other languages, and we took one common language and we were able to build this tower which is the United States.

Senator SHELBY. Mr. Mujica, what do you say, basically, to the opponents of this bill? What is your answer to them?

Mr. MUJICA. I say you are hurting your people.

Senator SHELBY. Hurting your people?

Mr. MUJICA. Yes. You are looking after your own interests. I know that the opponents are usually self-appointed protectors of the minorities, and they are really hurting their people. They are slowing down the assimilation of the minorities. They are slowing down their ability to make a decent living in this country.

Senator SHELBY. Professor Gallaway, you are an economist at Ohio University, right?

Mr. GALLAWAY. That is right, Senator.

Senator SHELBY. From an economic standpoint, how important is it that someone comes to this country to learn the English language, and the quicker the better, is it not?

Mr. GALLAWAY. That is my general view. You look at the history of immigration in the United States and you find this remarkable capacity to assimilate which is tied to English language capability.

Now, let me clarify something. You use the term "assimilate." It has almost become a red-flag word nowadays. What you really mean by an assimilated immigrant is one who sees their future as being here in the United States. The non-assimilated immigrant is the one who sees their future in terms of where they came from.

Now, in so much of our public policy today we tie things to economic results and we tend to see great crises when there are differences in economic results for different subgroups in the society. Increased English language facility among immigrants will reduce those differences in economic results that we see.

Senator SHELBY. In other words, it is a positive incentive to learn English, isn't it?

Mr. GALLAWAY. Yes, and the end result is that we will see fewer of these disparate results where we can identify certain groups, let's say, as being disadvantaged, underprivileged, and so on, simply on the basis of economic results. The past experience in the United States with immigration has been such a marvelously positive one because this didn't happen. We didn't balkanize, we didn't fragment.

It is amazing, though. Much of the rhetoric we hear today about the immigration problem and the like is identical to the rhetoric that you would have heard in 1840 or 1850 about the Irish and German immigrants, in the 1890's and the first decade of this century about the new immigrants from central, eastern and southern Europe, and we hear the same things today.

Through the assimilation process—and that does not mean people abandoning their culture at all. The usual pattern is that it is usually the grandchildren of the first-generation immigrants who take great pride in recovering and sort of glorying in the immigrant culture and, as a result, we haven't lost it.

Probably, my favorite composer is George Gershwin, who was born Gershowitz, the son of Russian Jewish immigrants to the United States. Immigrants have made such marvelous contributions to our society and to our culture in the past, and it has been through this assimilative mechanism.

I am sorry I rambled on there.

Senator SHELBY. Doctor, most of us in America by far are of immigrant stock; we come from immigrant stock.

Mr. GALLAWAY. Despite my name, I am of German origin.

Senator SHELBY. But you are not promoting German here as the official language of the United States, although you come from German stock, are you?

Mr. GALLAWAY. No. I can hardly speak it.

Senator SHELBY. It wouldn't work here today?

Mr. GALLAWAY. No.

Senator SHELBY. What do you say to the opponents of this bill that say this is not one of inclusion, which we contend that it is? Are they wrong?

Mr. GALLAWAY. Well, I revert to my bean-counter mentality and say there are the numbers, and these aren't startling results. You can find exactly the same results that I reported today if you go back and analyze the data from what was called the Dillingham Commission, the Immigration Commission of the United States, that were accumulated and published in 1909 that had similar kind of information. You see this same pattern of English language facility being the primary explainer of differences in economic accomplishment among different groups.

Senator SHELBY. Dr. Syeed, do you want to comment?

Mr. SYEED. Yes. The knowledge of additional languages is an asset. Americans have lots of incentives to know additional languages. In academia, we have different programs in different universities, and so on. Lots of Americans go to foreign countries to learn languages for business purposes, for religious purposes. This we have to encourage because this is very important. We don't want to isolate ourselves on the world scene.

But at the same time, there are two separate things. We have to separate them. On the one hand, we encourage learning additional languages and provide whatever facilities we can. On the other hand, we do not want to promote linguistic ghettoization, a situation within America where Americans will be deprived of fullest participation on the American scene. They will be Americans, but yet they will not be able to speak the majority language.

So we do not want situations where we will be promoting linguistic lethargy; that is, unless you promote a situation where a person is motivated to learn an additional language, he will not do it. So a person will learn a foreign language because of business reasons, because of religious reasons, because his wife comes from somewhere and he wants to learn his wife's language. But here itself,

we have to encourage people who do not speak English and provide them enough incentive that they learn it.

So, indirectly, what we are seeing today—and I fear as a language planner that within a certain generation, we may have created a linguistic lethargy which will lead to a certain kind of ghettoization. That, we should avoid at any cost.

Senator SHELBY. A balkanization, maybe?

Mr. SYEED. That will be the ultimate unfortunate result of that, but I am saying actual participation in the economic and political life of America even without getting into balkanization.

Senator SHELBY. Doctor, what was your first language?

Mr. SYEED. I speak six languages.

Senator SHELBY. Six languages?

Mr. SYEED. Yes. The first language is Kashmiri, so even if you start translating things into foreign languages, Kashmiri may get a turn after a long time. So we will not have the same access and the same facility that you may provide to other language speakers.

Senator SHELBY. My time is up. I will await my next round.

Chairman STEVENS. Balkanization is an interesting word in view of the world situation today.

Senator SHELBY. Also, Mr. Chairman, in view of one of our participants today who comes from Belgrade and knows all about the Balkans personally.

Chairman STEVENS. Senator Dorgan, do you have a statement or questions?

Senator DORGAN. Let me defer if there is someone else that wants to do a round of questioning and then I will follow.

Chairman STEVENS. We have asked Congressman Emerson to join our table. Do you have any questions, Bill?

Mr. EMERSON. No, I have no questions. I am grateful for this opportunity, Senator, to participate in this hearing. As a principal sponsor of a similar measure in the House, I have been long involved with this subject and I think the hearing that you have held today has been absolutely profound.

These are excellent witnesses. I have sat at many tables and participated in many discussions, and I think that the testimony given here today is just absolutely compelling. I am just glad to have been able to participate with you and listen to it and to have made my own statement. Thank you.

Chairman STEVENS. If you don't have any—

Senator DORGAN. Mr. Chairman, let me just ask a couple of questions. I did not hear all of the testimony, although I have reviewed some of it and I read Mr. Gallaway's testimony.

Mr. Mujica, is it?

Mr. MUJICA. Mujica, yes.

Senator DORGAN. Mr. Mujica, you say that the Census Bureau's figures show that in the year 2050, 43 million Americans will be unable to speak English at all. In the 1990 census, did they conclude in the 1990 census how many people do not now speak English in our country?

Mr. MUJICA. Well, the 1990 census says 97 percent of people in this country, including immigrants, speak English; 3 percent do not speak English at all. But that doesn't take into account illegal

aliens, which we have no idea how many millions we have. So the 43 million is a projection based on the two last censuses.

Senator DORGAN. The 1990 census figures that I saw indicated that of those who do not speak English at all, there were 1.8 million.

Mr. MUJICA. Whatever 3 percent is.

Senator DORGAN. The census estimate is 1.8 million Americans, and the Census Bureau has made no projections, apparently, of how many people they estimate would be unable to speak English by 2050. Apparently, the figure of 43 million Americans—if there are 1.8 million Americans now unable to speak English and some are saying that by the year 2050 there will be 43 million Americans unable to speak English, what is the basis of that?

Mr. MUJICA. The census figures do not include illegal aliens.

Senator DORGAN. And if you included illegal aliens, could you state—

Mr. MUJICA. We have no idea how many millions we have.

Senator DORGAN. How many do you think?

Mr. MUJICA. Anywhere from 3 to 5 million, perhaps.

Senator DORGAN. So let's assume that you are correct, then, and it is 3 to 5 million. Tell me how we get to 43 million.

Mr. MUJICA. It is only an estimate and—

Senator DORGAN. Whose estimate?

Mr. MUJICA [continuing]. Frankly, I didn't come up with the estimate. It is an estimate that we have read in books about the subject.

Senator DORGAN. What books, and whose estimate?

Mr. MUJICA. I couldn't tell you exactly right now whose book it is.

Senator DORGAN. So you are giving us an estimate, the origin of which you don't know? The only reason I am asking the question is these wild numbers are thrown around at hearings on all these subjects. When I looked at the census data—and you may be correct about that—the census data relates to those who speak no English among those whom they counted, obviously. They didn't count somebody they don't know, so you may be right that there are more than 1.8 million.

Mr. MUJICA. Right.

Senator DORGAN. Let's say it's 3 million, the lower figure you used.

Mr. MUJICA. But we are talking 60 years from now, from 1990.

Senator DORGAN. I understand that. I am just asking—if you are here telling us that this problem is going to grow 20-fold, then I am asking who is suggesting that. You read it someplace. Who is telling us that this problem is going to grow 20-fold in our country?

Mr. MUJICA. Yes, but, you see, the problem is not a numbers problem. The problem is talking about what a language is and how a language has been the common denominator to a nation of immigrants. We can talk numbers all week and we can bring 10 other economists that could dispute every figure, but that is not the issue. The issue is only declaring English the official language of this country. It is not based on economic figures and it is not based on a numbers game.

Senator DORGAN. I respect that, and I am not taking you on on the question of this legislation. I have not studied the legislation in great detail. I read Mr. Gallaway's statement, which is essentially an economics statement. I used to teach some economics in college, and I was able to overcome that later and go on to lead a reasonably useful life. [Laughter.]

So I understand the economic issues, and I think I agree with Mr. Gallaway that the numbers would persuade you to believe that the more familiar people are with the English language in this country, the better opportunity they have in our market system to succeed and do well. So I am not debating whether or not this bill is advisable. I don't know at this point whether it is, but I am trying to understand the numbers that we throw around which would persuade us to do certain things.

When I saw the number that there will be 43 million Americans unable to speak any English at all, I was just trying to figure out where does that come from. Is that some empirical analysis, some study that was done? If so, who did it?

Mr. MUJICA. Well, from what I am given here, it says that according to the census, in the decade between 1980 and 1990, in those two censuses, the percentage of the population with English ability classified as "not well" or "not at all" increased 36.7 percent. So if the current trend continues, by the year 2050, which is 60 years from the last census, that is how we get to 43 million.

Senator DORGAN. Let me just ask you a curious question. Might that not be a substantial improvement in the ability to count those who previously weren't counted? As you know, in that census period, there was a substantial effort to try to count people who previously were left uncounted in the census. I don't know the answer to that myself.

Mr. SYEED. Could I say something on this? See, this is entirely a different situation in the history of the United States. Immigrants have come. They brought their language. They lost their language within a generation or two. What we are discussing and what we are worried about today is a different situation; that is, the institutionalization of a particular language here.

So what you are doing is you are maintaining a language, passing it from generation to generation, developing a ghetto mentality where the maintenance of that language becomes a necessity for those people. So it is different from what we had in the past. It is different from maintaining a language as an academic asset. It is developing a circle, developing a ghetto where the television, newspapers, where different institutions are promoting it, perpetuating it, and condemning an entire segment of population for years to come.

So, therefore, if, according to his calculation, it is 3 percent today, it is an exponential development and then you could say within two or three generations what would happen, what kind of human resources, what kind of wealth and other resources would be drawn into this pool and perpetuated.

Senator DORGAN. I actually think I agree with much of what you all say on the panel who believe that we ought to do what we can to persuade people to learn English, that English is the language

in which you are best able to prepare yourself to succeed in our country. I understand that.

I represent a State in which there are pockets, and have been pockets of our State for many, many years where they predominantly speak German. On our reservations, they predominantly spoke a Sioux language of our Native Americans, and we went through a period of our country where we said you can't even teach that language in the schools; we want to abolish the culture of the Indians.

To suggest somehow that doing that was the right thing—we have understood now it wasn't the right thing, back in the 1930's, and so on, to say your culture didn't matter and we won't even teach your language, or to suggest that someone who in south central North Dakota comes of German heritage and the family really only spoke German shouldn't be able to vote in our country. That is kind of a troublesome thing to me.

But the inertia of saying we want to encourage everyone to access for themselves the opportunity to understand and speak and work and live using the English language in this country make eminent good sense, in my judgment. Having said that, I have not done great study on the legislative offering here, but I mainly want to make sure that we made decisions based on facts.

Mr. Mujica, I wasn't trying to badger you, but there are so many numbers floating around for which we don't understand the basis.

Chairman STEVENS. Well, Senator, I think the bill represents the feeling that I share that there are a considerable number of people in government who now feel that because of the diversity of languages, we ought to go to the extent of trying to respond to people in their native tongue rather than have them become part of the system that responds to an official language, which is, de facto, now English.

I got involved with this with Senator Hayakawa when I discovered that there were several schools—and I was raised in California—several schools in California where people who come from an English background could not get along because their principal language was another tongue. I have no problem about people of any other background speaking other than English in their homes or in their social context, but to get to the point where part of the public schools of the United States partially supported a language by taxpayers from other parts of the country are being taught in other than English appeared to me to be wrong.

I shared Senator Hayakawa's aversion to a balkanization of California, which was predicted, by the way, by Secretary McNamara as early as 1960. He predicted that south of the Tahachapees it would be a Spanish-speaking State. California has tried to resist that, and I think nationally we should try to resist it.

Senator DORGAN. Yes. I don't have any great quarrel with that line of thinking, except that there will always in our country's future be a transition of people who are moving into our country and trying to learn English. To suggest that during that transition those that aren't capable ought not have the rights that they would otherwise have as citizens of our country somehow bothers me.

Chairman STEVENS. We used to have the situation in court where we would provide an interpreter for a witness who wanted

to testify in other than English. Now, we have situations built up where we have interpreters to tell the jury what other people are doing because the majority of the people in the room are speaking other than English. I think the trend is there. These people are here to tell us their opinion that that trend is wrong.

We will have another hearing early next year when we will listen to people who believe that the current trend is right. I am particularly disturbed today by the comments we have had from our Native Americans which indicate that somehow or other they think this is an attempt to destroy the Native American language. We do have a basic Act of this Congress which I helped sponsor, and I think you did, too, that deals with Native American languages.

Senator SHELBY. Mr. Chairman, I would like to reiterate again that this Senate bill that I am sponsoring that they are talking about here does not in any way impose anything on the Native Americans, as you well know.

Chairman STEVENS. Right.

Senator SHELBY. I would like to ask you a question first and then you can comment.

Ms. VUKELICH. OK.

Senator SHELBY. Do you believe that the opponents of this bill, and some are vocal, have any real thing to stand on? Some of them say to me this does not promote inclusion. I believe this bill promotes inclusion in America. Would you comment?

Ms. VUKELICH. Yes. I have always considered English to be the language of the world, and America is, to me, a united world. The simplest language to be used and for people of the world to communicate in is English. Structurally, American English especially is bringing vocabulary from all different ethnic groups. I think that the opponents, therefore, do not have a broad vision of the world.

Senator SHELBY. Or America?

Ms. VUKELICH. Or America. They don't have a total scope in mind. They speak from one social level and not the other, and America is a land that is going to take care of all people. I feel when you have that broader vision, you wouldn't be opposing something like this. As a matter of fact, from a linguistic point of view, American English is unifying the world.

In Europe, it was used 4,000 years before Christ. Language has split. Now, American English is bringing it together again because even English, we know, historically has accepted the Roman vocabulary when the Romans came there, and then the French. There was influence of all countries that had it, and now American English is the language that brings all those countries together. I mean, it is illogical to think any other way, especially that the cultures are going to be preserved. This is just saying that the official language is supposed to be English.

Senator SHELBY. Mr. Qarni, do you feel that anybody's freedoms are threatened in any way by this Senate bill that we are talking about to make English the official language of the United States?

Mr. QARNI. No. It is contrary to that.

Senator SHELBY. Why not?

Mr. QARNI. Because you are trying to make this an official language. You are not trying to hurt anybody else's language or culture. I mean, in my case, it is a very unique example. English was

originated from England, right, as I understand it? The place where I come into this country is from the subcontinent of India, ruled by English people, the Britishers. Still, some of us hate them because of their rule, but even though we overcome that hate and we love this language—why? Because this language, as she very well said, is the language now which is uniting not only this country, all the Americans, but the entire world.

I cannot imagine being in China or in Japan, you know, and any business documents or letter of credit transacting in Chinese or Japanese. Just imagine what will happen if that happened for 1 day. What will happen to the entire world trade? So I mean this language is uniting not only America or Americans, but the entire world.

Senator SHELBY. I believe the statement was made earlier, something to the effect that if people don't have to learn English as the official language of the United States, they are really saying that the government will accommodate them in their own language, in effect, aren't they?

If we say, well, heck, we don't need an official language, the government can print any language, can accommodate you all your life in another language, one of the 300 or whatever, that is not only going to be expensive, but it looks to me like it would separate the people in the country rather than unite them.

Mr. QARNI. Yes. We will have 300 Americas within this country.

Senator SHELBY. And that is something none of you wants and none of us wants.

Mr. QARNI. Right. Coming back to Senator Dorgan's argument, you know, about the German language, where do you draw the line? Where are you going to draw the line? I mean, if you have 10,000 Chinese living within one precinct and they claim that, well, this county or this particular pocket will speak Chinese as the official language or the documents will be translated for our convenience, please tell me where are you going to draw the line.

Ms. VUKELICH. As a matter of fact, every fourth American is of German descent, according to the census, and they don't want to speak German here. They want to speak English.

Chairman STEVENS. Go ahead, Senator Dorgan.

Senator DORGAN. Well, I happen to agree with Senator Stevens that to use public funds to fund a high school that does not teach English and speaks another language exclusively doesn't make any sense.

Dr. Syeed, I think you would agree that to the extent that we can in this country we ought to encourage people who want to experience the full fruits of being an American to understand that you need to learn English. I don't think there is any disagreement on that. I mean, we have through history recognized that there are times that some people don't, and for various reasons.

The Continental Congress published the Articles of Confederation here in English, German and French in the United States. So they recognized what is, not what they wanted it to be. Now, the legislation, I think, says here is the way we want it to be in this country, and I don't think I have any disagreement at all with those goals. The question is as we move toward the goal of wanting to assimilate more and more people into this English language to

make sure they can fully participate, do we also then make sure that we have adequate training and funding to do those things because that is the second part of this approach which I think we have to do.

Simply to say, well, look, you have to speak English, is one thing, but you must create the opportunities for people to be able to do that. I don't know whether this legislation does that. If not, there is a void in the middle someplace.

Mr. QARNI. Can I make a little comment on this?

Chairman STEVENS. Mr. Qarni?

Mr. QARNI. What we are doing within the new Asian immigrant communities, and I also witnessed in the new Jewish communities—the new Jewish communities are training and they are educating their new immigrants in this language by using their own resources through their church bases, through their religious bases, instead of looking to the government for those resources. So, that is another experience which we are having.

Senator DORGAN. I accept that. I mean, we teach our children English through our schools, don't we? That is government resources.

Mr. QARNI. Government resources, yes, and we also know how the schools are doing these days in the public system.

Senator DORGAN. How?

Mr. QARNI. The quality of the education we have in the public—

Senator DORGAN. You don't like the quality of education in our country?

Mr. QARNI. In the public system, public schools.

Senator DORGAN. You don't think public schools in the system are worthwhile?

Mr. QARNI. This we can discuss in another committee, but, you know, I would like to defer on that.

Senator DORGAN. That is for another hearing, I guess, Mr. Chairman. We will invite him back.

Senator SHELBY. Mr. Chairman, if English is the common denominator that allows us to communicate and exchange ideas and English is the common denominator that allows us to exchange information just as the dollar is the common denominator that allows us to exchange goods and services in this country, instituting multiple languages in this country is about as impractical as using multiple currencies in this country.

No merchant in America that I know of would accept marks, pounds, pesos for the exchange of goods or services, and neither would the Internal Revenue Service accept Canadian dollars or German marks or Japanese yen, and you can go on, for one's tax liability. They accept the dollar because that is the official exchange in America, is that correct?

Ms. VUKELICH. That is correct.

Senator SHELBY. Why shouldn't we have an official language in America, and that is English? I know you agree.

Ms. VUKELICH. And it is going to improve the education, too—

Senator SHELBY. Absolutely.

Ms. VUKELICH [continuing]. If there is a common denominator and the students know that English proficiency counts. That is

what it is. English has become a secondary language, and we have to think why do we have 52 million functional illiterates. English is not anymore a language to take pride in. It means nothing. Even the educators have that feeling, and that is the main stress. Making English the official language of the government is going to give a status to the language. It is going to bring everyone together.

Chairman STEVENS. Let me thank all of you. Dr. Gallaway, did you have something to say first?

Mr. GALLAWAY. Could I make one comment on the point that Senator Dorgan raised earlier on the data? The census classifications give you a range of English language facility. Some don't speak English at all and then there is a category "do not speak English very well," and the figures that Mr. Mujica was quoting include that "do not speak English very well." I think that may account for some of the problems that you may have been having there.

I don't have the exact data for all the 41 groups that we looked at, but the percentage who didn't speak English either at all or not very well would vary from nearly zero with some foreign-born groups—you take immigrants from Jamaica who had a very high level of English language proficiency—to as high as 60 or 70 percent who didn't speak English very well. The more recent Russian immigrants, in general, have very limited English language facility.

Senator DORGAN. Mr. Chairman, let me say to Mr. Gallaway I didn't mean to disparage the profession of economics. I was joshing a bit.

Mr. GALLAWAY. I tell economist jokes all the time, Senator. It is a great hobby.

Senator DORGAN. I say I have no quarrel with where you want to go. I have not studied this bill, but I have no quarrel with that.

Mr. QARNI. It is not where we want to go, but where you want to go because you are the ones who are going to decide it, especially with this bill.

Chairman STEVENS. Well, let me thank you all for coming. We will give notice of the next hearing. I do believe it will be some time about the last week of January, and then we may have another hearing later on. I think it is a very substantial issue in our country, one that I hope more people become aware of, and that we have more people that want to come and appear at the third hearing.

This was sort of short notice for the five of you. I do appreciate your coming and your sharing with us your points of view and representing your viewpoint very well.

Senator DORGAN. Mr. Chairman, Senator Akaka wishes to submit some written questions. He had to leave, but he asked if I would ask unanimous consent that he be able to do that.

Chairman STEVENS. We may have questions. The Senator was called to another meeting. He did want to ask questions, he said, as he left. If he submits questions, we will send them to you and ask that you would respond to them and we will print your answers in the record.

Thank you very much. I appreciate your courtesy.

[Whereupon, at 11:12 a.m., the Committee was adjourned.]



## S. 356

# LANGUAGE OF GOVERNMENT ACT OF 1995

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THURSDAY, MARCH 7, 1996

U.S. SENATE,  
COMMITTEE ON GOVERNMENTAL AFFAIRS,  
*Washington, DC.*

The Committee met, pursuant to notice, at 9:37 a.m., in room SD-342, Dirksen Senate Office Building, Hon. Ted Stevens, Chairman of the Committee, presiding.

Present: Senators Stevens, Lieberman, and Akaka.

### OPENING STATEMENT OF CHAIRMAN STEVENS

Chairman STEVENS. This is the continuation of the hearings on Senator Shelby's bill, S. 356. We are going to hear from congressional members and others today. This bill is called the Language of Government Act of 1995. Obviously that is out of date.

This bill would declare English the official language of the U.S. Government and provide mechanisms for the enforcement of that policy, and the hearing is for opponents to the bill. We did have a hearing previously for the supporters of the bill.

I want to welcome all of you. It has been the intention of this Committee to provide a forum for satisfactory expression on this bill, both support, concern, or criticism of it. But this will be the last hearing on S. 356.

I appreciate the participation of the Members of the Senate here. There are a number of witnesses who have traveled a long way to testify. We thank you all for your time and energy in coming to speak on the issue. But, again, I want to point out to those who are here that these are all opponents, as I understand it, of this bill. The proponents were heard at the previous hearing that we held.

We have had a series of people that asked to appear today, but obviously we have a full agenda. There is no more time to give to this bill in hearings during this period, and, therefore, we just cannot hear any more people. We will accept statements for the record, and we will keep the record open for 2 weeks for those statements.

I might say to the witnesses that are here that Senator Shelby is in another meeting. I don't know whether he will be here during the latter part of this hearing or not. But he has asked that I submit to each of you questions that he would have asked you, and I would ask that you respond to those questions, if you will do so.

Chairman STEVENS. Our first witness this morning is Senator Paul Simon. Senator?

## TESTIMONY OF HON. PAUL SIMON, U.S. SENATOR FROM THE STATE OF ILLINOIS

Senator SIMON. I thank you, Mr. Chairman. I feel like a member of the Committee. This is my third time here in a very short time, and I hope you will forgive me for ducking out immediately after my testimony because I am supposed to preside at another hearing that is not an official hearing.

I was in a debate before the New York Bar Association with a woman who sponsored the referendum in California to make English the official language, and in the course of it, I said to her, well, does that mean that if I speak Chinese and that is all, I can't have a court interpreter? She said, Well, no, it doesn't mean that. And then I started pressing what it does mean, and it got to be pretty nebulous there at the end. And she said, Well, it is a symbolic thing for our country.

And I think that is it. And I am not suggesting this for Senator Shelby, but I don't think there is any question that for a lot of people who push this English as the official language, it is an anti-Hispanic, anti-Asian thing. There is no question. English is the official language of our country, but why pass something like this when, in terms of our national history, we have a much higher percentage of our people who speak English today than for most of our country's history.

I had my staff check out the 1990 census compared to the 1890 census. It was kind of interesting. New Mexico, people who did not have the ability to speak English, 1890, 65 percent; 1990—this is people who cannot speak English at all—1990, less than 1 percent. Arizona, 28 percent in 1890, 1.1 percent in 1990. Wisconsin, 11 percent in 1890; one-tenth of 1 percent in 1990. Louisiana, 8 percent in 1890; one-eighth of a percent in 1990. California, 8.2 percent in 1890; 3 percent in 1990. California has the most severe problem. New Hampshire, 5.6 percent in 1890; less than one-tenth of a percent in 1990.

For the total United States, 3.62 percent in 1890; 1990, 0.08 percent. In other words, 1890, 45 times the percentage could not speak English at all.

People talk about Quebec. Well, the situation in Canada is very different. You have the French-speaking people in one area. Our Hispanic—and, incidentally, the majority of people with Hispanic surnames, their native tongue in the United States today is English, not Spanish. And that will very shortly be true of the majority of Asian Americans also.

If we really want to do something about helping people in English, let's appropriate funds to teach people the English language.

Let me just give you a few scattered things that I have been able to pull together. Union City, New Jersey, 272 people on the waiting list to get into English classes. Massachusetts, 13,900 waiting to get into classes to learn the English language. Plainfield, New Jersey, 187. Colorado, 2,000 to 3,000 waiting. San Jose, California, 4,000 waiting. Seattle, Washington, 3,000 waiting. That is getting close to your territory, Mr. Chairman. Dallas, 6,000—

Chairman STEVENS. It is a State now, Senator. [Laughter.]

Senator SIMON. I don't have any Alaska figures here, I am sorry to say. Dallas, 6,000 on the waiting list. Allentown, Pennsylvania, 300 to 500.

It is very interesting to me that frequently the people who say let's make English the official language are the very people who oppose appropriations for education for these people. Yes, people, if you want to function effectively in the United States today, you have to speak English. No question about it.

So if you really want to do something about it other than just do some public relations and anti-Hispanic, anti-Asian demagoguing, appropriate money for these classes for people who want to speak English. That is the way to solve that problem, not this English as the official language nonsense. That doesn't mean anything.

Mr. Chairman, that is my statement. I have a formal statement I would like to enter into the record.

[The prepared statement of Senator Simon follows:]

#### PREPARED STATEMENT OF SENATOR SIMON

I would like to thank Senator Stevens and the other Members of the Committee for allowing me to testify here today. This is an important issue in which I have had a longstanding interest.

##### *Official or Not, English is the Nation's Language*

The call to declare English the official language of the United States is appealing. Frankly, however, this appeal is superficial. The reality is that English is the official language of our country, spoken by 97 percent of the American people. There is simply no question that anyone who lives in the United States and wants to participate in any meaningful way in our economy or in our political process must learn English.

Years ago, you could come to this country and easily get a job swinging an ax or a sledgehammer, and if you spoke Swedish or Italian or Polish instead of English, that was no great obstacle to getting a job. Today, we are in a vastly different society where acquiring an adequate education is increasingly important. And an essential part of this is being able to speak and read and write in English.

To get most jobs you have to fill out an application and complete an interview, impossible to do if you don't read and speak in English. If you are a custodian in a plant or a school, your employers want you to be able to read and understand the instructions for using cleaning compounds and chemicals. If you are a farmer you must operate milking machines and computers, in addition to more simple, routine duties. All of these activities require an individual to read, write, and speak in English.

Exactly what it would mean to declare English the official language I don't know—and neither do its sponsors. Several years ago, I appeared in a debate with the person promoting this idea in California I asked: "Does this mean there could be no court interpreters for someone in a California trial who speaks only Chinese? Does this mean that we would prohibit New Mexico from printing documents in both English and Spanish?" And on and on. Of course these things were not meant.

While seemingly well-intentioned, proclaiming English the official language would do nothing to help individuals acquire the language skills that are essential if they are to become productive and responsible citizens. Yes, learning the English language is important for our many immigrants, as it is for our entire Nation. But the way to handle the problem is not to proclaim that English is our official language. Instead, the way to deal with the problem is to provide funding for classes so that those who do not speak English can learn it.

##### *Funding for Bilingual Education and Adult Literacy is Crucial*

I would like to point out that literacy is a national problem that is not limited to speakers of foreign languages. Tens of millions of Americans cannot write a brief letter, read a bus schedule, mark a voting ballot, or understand a warning label. In addition to the difficulties it presents to these individuals, this problem seriously hampers our Nation's economic competitiveness and weakens the fabric of our society.

In 1993, 3.8 million students enrolled in adult education programs. Although the exact figures vary by geographic region, nationwide only about half of those adults who enroll to acquire basic English skills do so because they speak some language other than English. The others are English speakers who need to learn how to read and write.

Underlying the move to make English the official national language is the implicit assumption that individuals need to be coerced into learning English. Nothing could be farther from the truth. Those who learn our language as adults do so only with great determination and perseverance.

Last year, I had the pleasure of meeting with a group of "new readers" who had recently completed basic literacy programs. These individuals shared with me the difficulties they had faced and how learning how to read and write had changed their lives for the better. I was so struck by their stories that I wrote to each of their Senators encouraging them to meet with their States' new readers. I do not know how many of my colleagues took me up on this offer, but I trust those who did found this experience as informative and as inspiring as I did.

The tragedy is that the current combined efforts of Federal, State, and local governments are inadequate to serve all those who want to learn English. For each individual who is enrolled in a literacy program, there is one placed on a waiting list. Programs for speakers of other languages (known as ESL) are in particularly short supply. But, if they are lucky enough to get into classes, speakers of other languages excel. They are less likely to dropout and more likely to complete instruction than the average adult student. If we really want to do something to help the individuals who need to learn English, we should ensure that each individual who seeks instruction has the opportunity to receive it.

There has been some criticism of the programs that seek to teach English to children whose first language is something other than English. Some of those who seek to declare English as the official language have specifically advocated eliminating all funding for so-called "bilingual" education programs. Although I would have preferred his support on efforts I made to increase funding for such programs, I was impressed that when Senator Dole spoke about this issue, he at least made it clear that he was not proposing eliminating funds for bilingual education.

Rather than eliminating funding for bilingual education programs, we should be doing more to ensure that schools use the most effective and up-to-date teaching practices. While the Federal Government does not and should not dictate curricula decisions to State and local governments, we should do all we can to provide schools with the most up-to-date information on what works and what doesn't so that teachers and parents can make informed choices.

We will do best as a Nation when we respect diversity and tap its potential as a national resource, rather than attempt to ignore or suppress it. Last year I authored changes to the Federal bilingual education program to encourage "two-way immersion" programs in which English speaking students learn a second language and their non-English speaking counterparts learn English. Research shows this to be one of the most successful ways to teach English to non-native speakers. This approach has the added benefit of providing English-speaking students the opportunity to learn another language.

#### *The Campaign to Make English the Official Language is Potentially Divisive*

While the vast majority of those who want to make English the official language have the best intentions, there is a vague, or in some cases not so vague, anti-foreign feeling I have detected among some supporters. Such sentiments have no place in our national policies. At our best, we as a Nation accommodate diversity and draw from its strengths.

Attempts by our government to quash or stifle diversity are not among our proudest moments. In the post-Civil War period, Congress set up a series of boarding schools intended to strip Native American youth of their native language and culture. In 1917, wartime hostility toward Germany prompted many States to initiate legislation to ban or limit German language instruction in public schools. In 1923, the Supreme court ruled against the State of Nebraska, which wanted to outlaw all foreign language instruction in the public schools in order to foster a "homogenous people with American ideals". And just last year, a judge in Texas ruled that a mother was guilty of "child abuse" because she only spoke to her 4-year old child in Spanish. The judge later apologized for that statement.

I know this Committee has the best intentions in promoting legislation to make English the official national language. But the fact is that such legislation will not be of any help to the many individuals who desperately wish to learn English, and could potentially exacerbate already escalating racial tensions. I would urge the Committee to reconsider this proposal and look forward to working with them to en-

sure that all Americans have the language skills they need to be productive and responsible citizens.

Chairman STEVENS. Thank you. Do you have to leave right away, Senator?

Senator SIMON. I have to preside at 10 o'clock, so I will stay for a little while.

Chairman STEVENS. Well, I was going to run it as a panel, but let me ask you one question. Is there a limit on U.S. taxpayer support to schools that teach only in a foreign language?

Senator SIMON. Well, the only cases I know of where we teach only in a foreign language are schools like in Takoma Park, Maryland, where they have Spanish and French classes so that people whose native—

Chairman STEVENS. In California, there are now several schools that are taught only in a different language than English, and they are receiving the same support as any other schools. But if you are a person whose heritage is a different language, you must go to another school district. Do you believe we should support that kind of a school?

Senator SIMON. That is not what the Bilingual Education Act calls for. If there is Federal—now, that is—we leave—

Chairman STEVENS. There is no act to deal with that, Senator.

Senator SIMON. Well, we leave education up to local people. But let me just—

Chairman STEVENS. No, we don't. We provide assistance to most schools in the United States in some way with Federal taxpayer money. Should those schools be taught primarily in English—with support, whatever you want, for those people who do not have English skills, but should they be in English?

Senator SIMON. Well, the answer is I think if I were a school board member or if I were in the State legislature in California, I would want every school to teach English. The answer also has to be it wasn't too many years ago when in the State of Wisconsin you had a lot of schools that were taught in German. You have—

Chairman STEVENS. That is not the question, because you are entitled to have German schools or French schools or Spanish schools or whatever kind of schools you want. The question is: Should there be official—should a school that receives Federal support, U.S. support, taxpayer support, be taught—the main courses be taught in other than English?

Senator SIMON. Well, when you say many courses, that is different. If it is a bilingual situation where you have transition, that I support. And the bilingual is—

Chairman STEVENS. That is the intent of this bill, what you just said, which you said you would support.

Senator SIMON. Well, it is an interference in local education that we have never had before.

Chairman STEVENS. You don't believe a Quebec situation could exist in any part of this country?

Senator SIMON. I don't believe the Quebec situation will exist in any part of this country. That is correct.

The closest we ever came to it was when Texas—after Texas became part of the United States, for a while there were people in Texas who wanted Texas to become an independent country. I

haven't had any letters—I don't know about my colleagues—suggesting that Texas ought to be an independent country.

I don't think we face any danger, and I think this is basically the not very subtle—most of the people who advocate this, this is kind of an anti-Asian, anti-Hispanic thing.

Chairman STEVENS. You know who originated this bill?

Senator SIMON. I am not suggesting—

Chairman STEVENS. Senator Hayakawa of California.

Senator SIMON. Well, I disagreed with Senator Hayakawa not only on this, but on some other things, too, I might add. [Laughter.]

Chairman STEVENS. Senators, any questions of our colleague?

Senator LIEBERMAN. No.

Senator AKAKA. No.

Chairman STEVENS. Thank you very much, Paul.

Senator SIMON. Thank you very much.

Chairman STEVENS. Senator Bingaman?

#### **TESTIMONY OF HON. JEFF BINGAMAN, U.S. SENATOR FROM THE STATE OF NEW MEXICO**

Senator BINGAMAN. Thank you, Mr. Chairman. I also think it would be a mistake to adopt the legislation. I agree with Senator Simon that English is the predominant language in the country, and anyone who wishes to succeed in this country needs to become proficient in English. I also strongly support efforts to fund English instruction for anyone who would like to engage in English language training.

But, in my view, having a Federal mandate establishing English as an official language does not help us solve the problem. Instead, it is seen by many in my State as inappropriately labeling one language and one culture as superior to all others. And that is offensive to some of the people I represent, and it is offensive to me, and to the multicultural tradition that we have in my State.

The first Americans in my State were American Indians, and the languages that they spoke were not English. They take great pride in preserving the ability to speak those languages today, and clearly they do not consider those languages in any way inferior to the English language.

The State of New Mexico was colonized by the Spanish, and for over two centuries, the official governmental language in our State was Spanish. When the U.S. conquered the territory, we entered into a treaty with Mexico called the Treaty of Guadalupe Hidalgo in 1848, which preserved the rights of those citizens who were already in New Mexico to continue to speak their language, as well as many other rights.

For a very long time, our State legislature was conducted in both English and Spanish. There was simultaneous translation until the 1930s. All of the legislative proceedings and enactments of our legislature were translated from English to Spanish. That is no longer the case. We do continue to print all our ballots in both English and Spanish, and I believe that is required in our constitution.

The one question I think needs to be asked about this legislation is: Where are all the champions of States rights? I hear our good friend and colleague Senator Dole talk about the Tenth Amend-

ment and how anything that is not specifically given to the Federal Government as a power is reserved to the States. This seems to me to be a contradiction of that. So I think clearly we would be concerned about this legislation from that perspective.

There was a time in much of the American Southwest, and perhaps other parts of the country as well, when children in our public schools were punished if they were heard speaking a foreign language, specifically Spanish, on the school grounds. The message from that punishment was very clear. It was essentially that the language and the culture of those who spoke Spanish was considered less than equal to English. This proposed legislation would move us back to that period and back in that direction. I believe very strongly that our vision needs to be a Nation in which people of many cultures live together in harmony with respect for each other's cultures and not a Nation in which one culture imposes its will on the rest. I believe this legislation would interfere with our ability to reach that vision, and accordingly, I oppose it.

I am glad to respond to any questions that any of you have, or else I would follow Senator Simon's lead and proceed to the next hearing.

Chairman STEVENS. Well, Senator, if you do have to leave, I hope that you have read the bill. It does not impose any duty upon any State government. It applies only to the Government of the United States.

Senator BINGAMAN. Let me ask, Senator, what your understanding of the language here on page 4, line 19 is: "The Government shall conduct its official business in English"? Does that mean that the employees of my office need to conduct their business in English? Much of the business we transact in our offices in New Mexico is conducted in Spanish because the people who call us are Spanish-speaking citizens and want to speak Spanish.

Chairman STEVENS. I don't think that is official business of the U.S. Government. The official business of the U.S. Government is official documents of our country, printing our laws, printing our books, conducting our court system in English with interpreters. There is nothing in here that prohibits interpreters. This is a concept of strictly—it means the Government of the United States and employees and officials of the Government of the United States while performing official business. I think that means on the floor of the Senate we will speak English.

Senator BINGAMAN. Well, I certainly have no objection to all of our laws being printed in English. I think that is appropriate. It has always been the case. I think they had quite a debate during the Constitutional Convention, as I remember my history, about whether to adopt English or German as the official language because most of the people around Philadelphia spoke German at that time.

But I do think something like what you just described makes a lot of sense, but I am concerned when we are enacting legislation that does have a symbolic effect of saying that English is superior to other languages and other cultures.

Chairman STEVENS. Senator, I don't see that. I have been accused of saying that, but I don't see that at all. It doesn't say superior in any way. I spoke German until I was 3, and I certainly have

great fondness and great memory of my mother, who was German. But I don't understand that you would say that we have done anything in this bill that would say that English is superior in any way to any other tongue in the world.

Senator BINGAMAN. Well, I would just say that that is certainly the interpretation that many of my constituents put on this legislation. And for that reason, it is strongly opposed, and it is seen as something that is contrary to the multicultural history and tradition of my State.

Chairman STEVENS. I respect that, but I do not think there is anything in this bill that offends the Tenth Amendment. And if there is, we would be pleased to modify it.

Senators do you have any questions?

#### **OPENING STATEMENT OF SENATOR LIEBERMAN**

Senator LIEBERMAN. Thanks, Mr. Chairman.

Knowing of the remarkable record of Senator Bingaman in his previous incarnation as attorney general of New Mexico, I would ask him whether he has any comment on the private right of action that is extended by the legislation.

Senator BINGAMAN. Well, quite frankly, I can see no basis to object to some of the statements in here—like every person in the United States is entitled to communicate with the government in English. Now, clearly I agree with that, and I think a person should have some kind of legal recourse if they are prevented from communicating with the government in English. So I am not averse to a private right being provided. But I can't, quite frankly, envision a circumstance in which a person would be prohibited from communicating with the government in English. It seems to me we are solving a problem with this legislation that doesn't exist.

The second thing here, every person should be entitled to receive information from or contribute information to the government in English, again, I just can't conceive of a circumstance where that wouldn't occur, or be informed of or subject to official orders in English. Any person who wishes to communicate in English should certainly be entitled to and we should promote English language instruction throughout our school system. I think that learning English is an essential part of getting a decent education in this country.

I think that labeling one language as official carries with it connotations that are very troublesome to people who have encountered discrimination against them for their language in the past.

Senator LIEBERMAN. Thank you, Senator. Unfortunately, I missed the first hearing on this topic, so I don't know whether the advocates or the proponents of the legislation presented any cases in which a citizen of the United States had difficulty communicating with the government in English or perhaps was denied services or information because they spoke English. But I will review the testimony given in the previous hearing.

Thank you, Mr. Chairman.

Chairman STEVENS. Senator Akaka?

## OPENING STATEMENT OF SENATOR AKAKA

Senator AKAKA. Yes, Mr. Chairman. I want to at the outset thank you very much for having this hearing, and I would like to welcome all our guests here. Also, when the time comes, I would like to introduce the two witnesses from Hawaii.

I would like to ask Senator Bingaman a question. Some believe that enactment of this bill would have a negative effect on efforts to promote foreign language training. If this is so, is this consistent with America's international leadership role, both political and economic?

Senator BINGAMAN. Well, obviously I feel—and I know Senator Simon feels—very strongly that we do way too little in the way of foreign language training in our schools. I think we do less than most major industrial countries in promoting the learning of foreign languages. I feel very strongly that we should continue to promote foreign language studies.

Since it is hard to understand the exact implications of passing this legislation, I don't know what those would be on foreign language training. But to the extent that the passage of this would inhibit or discourage foreign language training, I think that would be unfortunate.

Senator AKAKA. Thank you, Mr. Chairman.

[The prepared opening statement of Senator Akaka follows.]

### PREPARED OPENING STATEMENT OF SENATOR AKAKA

Thank you, Mr. Chairman. At the outset, I'd like to thank you for agreeing to hold a second hearing on this subject, in order to allow opponents of Official English legislation an opportunity to share their views with the Committee.

I'd like to join you in welcoming our many witnesses today, including our distinguished colleagues Senator Simon, Senator Bingaman, Congresswoman Velazquez, and two fellow members of the Congressional Asian-Pacific Caucus, Representatives Patsy Mink and Bob Underwood. I am very pleased that they feel strongly enough about this issue to be with us today.

I'd also like to recognize the presence of two witnesses from the Aloha State, Ms. Kauanoe Kamana and Ms. Namaka Rawlins, who travelled from Hilo, on the Big Island of Hawaii. I deeply appreciate the Chairman's courtesy in inviting them to participate in this hearing. Ms. Kamana and Ms. Rawlins are president and director, respectively, of the first Hawaiian language immersion program for preschoolers. Ms. Kamana is also a professor of Hawaiian Studies at the University of Hawaii at Hilo. Aloha and welcome.

Mr. Chairman, my opposition to S. 356, the Language of Government Act, is already known to the Committee. At the December 6 hearing I stated my reasons for opposing the measure in great detail. Today, for the record, let me briefly summarize my reasons for opposing this measure:

- The bill is unnecessary, since 97 percent of Americans are already proficient in English;
- it will reduce minority political participation encouraged by the Voting Rights Act;
- it will reduce access to vital Federal services, including those relating to health and public safety;
- it will undermine our commitment to literacy and bilingual education;
- it overlooks the unique language rights of Native Americans and territorial resident;
- it violates the First Amendment;
- it is inconsistent with the need to promote foreign languages and international competitiveness; and, finally,
- it will foster a climate of intolerance toward minorities that will exacerbate racial and ethnic tensions in this country.

Mr. Chairman, with all due respect, I was disappointed with the testimony we received in December from the supporters of S. 356, which I believe failed to outline

a compelling public policy justification for the legislation. Most significantly, they failed to provide a single instance of any citizen being denied Federal services or benefits because he or she speaks English.

I hope that today's testimony will provide substance to this debate and determine the Committee's course of action on this measure. At the very least, I hope that the Committee will delay voting on this bill until the serious and complex issues raised by S. 356 are fully addressed.

Thank you, Mr. Chairman. With your permission, I would like to submit, for the official hearing record, statements opposing S. 356 from several organizations that are not represented here today.<sup>1</sup>

Chairman STEVENS. Thank you very much, Senator.

Senator BINGAMAN. Thank you very much.

Chairman STEVENS. Congresswoman Mink, please?

#### **TESTIMONY OF HON. PATSY T. MINK, REPRESENTATIVE IN CONGRESS FROM THE STATE OF HAWAII**

Mrs. MINK. Thank you very much, Mr. Chairman. I appreciate the opportunity to present my views.

I, too, am opposed to the passage of S. 356 and ask unanimous consent that my entire statement here be inserted in the record. I would like to summarize some of my views, particularly in reference to the testimony that has been given so far.

It seems to me that the intent of this legislation is what we are criticizing, not the precise words that are written. But the intent of this legislation, I believe, is divisive and unnecessary. There is no threat in the United States that there is any possibility whatsoever that English could not be the functioning language of the vast majority of people in this country. So I don't find any evidence whatsoever that legislation of this kind declaring that English be the official language is necessary because there is a profound need or danger that English is threatened.

In fact, the U.S. Census Bureau says that 97 percent of Americans speak English well or very well. So we are addressing this legislation out of fear of 3 percent of the population? I think that that is really unreasonable.

So if it is not the threat that is being weighed upon the Nation by the 3 percent, then it is really an effort to try to diminish and minimize other citizens in our country who are bilingual and to try to dissuade them from ever using their own—the knowledge of another language in any official transactions. And I find that very worrisome, and for that reason, it seems to me that the need which we feel should be the basis of any enactment of this kind has not been proven or shown.

Another reason that might be established for declaring English the official language is the proliferation of translated documents, and that for financial reasons and cost reasons, the government might find that this is duplicitous and unnecessary and that everybody ought to learn English and so, therefore, we shouldn't print things in another language. But a recent GAO report said that they found a mere six one-hundredths of 1 percent of Federal Government documents produced since 1990 were in language other than English. This works out to be only 256 documents out of 400,000 that were researched by the GAO. And it was noted that most of

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<sup>1</sup>The prepared statement from members of the Hawaii Council submitted by Senator Akaka appears on page 209.

these 256 out of 400,000 were Spanish translations utilized primarily by the residents of Puerto Rico. And so cost of publication of these documents in another language is not any justification for now finding a profound reason to enact official language legislation.

English is by far the dominant language. Everyone knows that to succeed in this country one has to be proficient in English. If one wants to get a good job or a chance for promotion and to be in a position of influence in this country, one has to be well versed and proficient and vocal in the English language. That is a given.

All immigrants that come to this country and children of immigrant families know that, and that is their driving force. So it seems to me that making English our official language is not necessary and will certainly not contribute to unity. I have heard on our side of the Hill in testimony in support of the versions that we had hearings on that we need it for national unity. It seems to me that is also not proven. There is an enormous and profound loyalty to the United States by all citizens that are bilingual, and they find it useful under some circumstances to speak the second language in public and in official communications with their leaders in their community. And to dissuade them, it seems to me, is contrary to good public policy.

I am concerned about the thrust of the legislation with respect to my own diverse constituency. To what extent is this definition of official business going to confine my ability to communicate with my constituents? If you read the fine detail of the legislation, perhaps technically I would be protected. I am an official of the United States. I believe I conduct official business. Therefore, it would worry me that my staff and my employees coming under the jurisdiction of this bill would be confined in any way in communicating official policies and official interpretations to my constituents in other than—

Chairman STEVENS. Do you think, Mrs. Mink, you could conduct a hearing as a Member of Congress in your home State and conduct it only in a foreign language?

Mrs. MINK. No, I don't believe in only in another language.

Chairman STEVENS. That is what this bill says. Official business—

Mrs. MINK. Not only, but it would have a limitation with respect to whatever portions of that meeting might very well be conducted in the native Hawaiian language.

Chairman STEVENS. I don't think it has any implication on that at all. We have many proceedings that are interpreted simultaneously. They are interpreted in several languages at one time. But they are conducted in English.

Mrs. MINK. The question is not of translation. There are many occasions in which official meetings have portions of it in which witnesses come forward, testify in their native Hawaiian language. Portions of the introductory—

Chairman STEVENS. Are those translated into English?

Mrs. MINK. They are not translated, not at that moment.

Chairman STEVENS. So that the non-Hawaiian-speaking members of your constituency would not know what was going on?

Mrs. MINK. The native Hawaiian speaker in my State is recognized as a person entitled to communicate his or her thoughts in the native language under our State—

Chairman STEVENS. In my State, too. I have some of the Alaska native people here this morning. We conduct many meetings where we have people testify in that language, and it is interpreted into English. But we never conduct one solely in Alaska native language when there are people there who do not speak that language. It is always translated into English.

Mrs. MINK. Well, we do not conduct official Federal Government hearings exclusively in non-English. But there are portions of it which are quite frequently brought forth to our table by persons who choose to speak to us in their native tongue. I would hate to feel—

Chairman STEVENS. And when you bring that record to Washington—

Mrs. MINK [continuing]. That they are in violation of this bill if we did so in our State.

Chairman STEVENS. When you bring that record to Washington, how do I read it?

Mrs. MINK. It would be there in their native tongue.

Chairman STEVENS. How do I read it as a Member of Congress?

Mrs. MINK. Well, we would provide you, upon request, with a translation.

Chairman STEVENS. Well, I would hope that—

Mrs. MINK. See, the context of the bill—

Chairman STEVENS. Then you have just given me another reason for this bill.

Mrs. MINK. The context of this bill is to suggest that somehow this is wrong, this is un-American, this should not be allowed. It seems to us in Hawaii that that is really contrary to the whole nature of our community and our society.

The other question which you propounded with reference to education, we have classes that are conducted wholly in the native Hawaiian language. We call it the Hawaiian immersion classes, and we are very proud of that. As I understand your question, it is the intent of this bill not to permit such a class to exist if it is federally funded.

Chairman STEVENS. I did not say that at all. I did not say that at all, nor am I un-American.

Mrs. MINK. Then I misunderstood.

Chairman STEVENS. I would hope with some of this conversation—I don't think Sam Hayakawa was un-American, and I am not un-American.

Mrs. MINK. No, no. I didn't say—

Chairman STEVENS. Let's make sure we understand this bill does not do what you just said.

Mrs. MINK. Oh, that the native Hawaiian classes would be permitted to continue even though they are federally funded under this legislation. I am relieved to know that.

Chairman STEVENS. There is nothing in this against the Bilingual Act at all.

Mrs. MINK. This is not bilingual. This is the entire school day being conducted in the native language.

Chairman STEVENS. I do not see any problem with that.

Mrs. MINK. Wonderful.

Chairman STEVENS. What is the month like, Congresswoman?

Mrs. MINK. The month? The entire month is conducted—all of the classes for the school year—

Chairman STEVENS. If my children went there, would they be able to have classes in their native tongue?

Mrs. MINK. If they spoke English, they would have equal opportunities in other classes, but not in the class which is conducted as an immersion—

Chairman STEVENS. Then there is nothing offensive in this bill at all.

Do you have any questions, Senator?

Senator LIEBERMAN. I do not.

Chairman STEVENS. Senator Akaka?

Senator AKAKA. Yes, Mr. Chairman.

Congresswoman Mink, Hawaii is perhaps, as you mentioned, the most diverse, ethnically the most diverse State. And many languages, as you have mentioned, are maintained by various ethnic groups.

In your opinion, has Hawaii's ethnic language diversity served as a road block to learning English in the Islands?

Mrs. MINK. I have seen no evidence whatsoever in a public policy that encourages the preservation and continuation of one's heritage and culture through language as associated with any diminution of that element in our society's English equivalency competency. All of us strive to become absolutely proficient in English. We want to be able to converse on the telephone in English so that nobody knows what our ethnic background is, and we are so good at it.

But at the same time, we take enormous pride, as you well know, in the cultural heritage from which we all came. Many generations ago, true, but certainly for the new arrival there is that close linkage with the community. And to enact a bill that gives the slightest color of non-acceptance by the government in the perpetuation of their method of communication I think would be a serious mistake.

The diversity of our State is our strength, and the reason why we consider ourselves at the top of the ladder in terms of our commitment to our country, our dedication to its institutions, and the support of the basic fundamentals of our democracy is because we believe that it is tolerant of all of these differences and permits us to enjoy our heritage without diminution of our personal worth and value.

Senator AKAKA. Thank you very much. Thank you, Mr. Chairman.

Chairman STEVENS. Thank you, Congresswoman. And because of comments that were received in correspondence with the Committee, we have an agreement on a clarifying amendment which, as I indicated, I believe the bill does not contain the—does not lead to the interpretation you have given it. But we intend to amend it to be sure that the provisions include a statement that use of indigenous or foreign language in educational settings is certainly not contrary to this bill and that the bilingual education or activities pursuant to the Native American Languages Act are not in any way contrary to this bill.

We had no such intent, and as I said, the sponsors of the bill have agreed to that. And when it comes to a markup, we will adopt that amendment. But in our statements at the opening of the proponents of the legislation, we made clear that people—we tried to make clear the people who were present understood this is not the House bill. I think you are primarily testifying about the House bill.

Mrs. MINK. Well, I thank the Chairman for that clarification, because it was a matter of enormous concern to my constituents.

Senator LIEBERMAN. Mr. Chairman, can I just ask a question of Congresswoman Mink? I am interested in the classes in native Hawaiian. Am I correct in assuming—I may have missed it if you said it—that the case here is that these are students whose families, and they themselves, have decided that they want to immerse themselves in the native Hawaiian culture? In other words, these are students who come from English-speaking homes?

Mrs. MINK. Yes.

Senator LIEBERMAN. So these are not cases of immigrant children who need this as a transition?

Mrs. MINK. No.

Senator LIEBERMAN. This is a matter of affirming a cultural identity, or, at least, steeping themselves in the unique culture, along side the dominant English-speaking culture?

Mrs. MINK. Yes. It is a determination of the native Hawaiian persons who have sponsored this program that it is important that some children have the opportunity to be completely immersed in learning through their language, rather than being taught in English about their culture and about their language. And I have personally sat in on these classes, and I am absolutely fascinated that the subject matter which they are being taught is absolutely and clearly understood and that proficiencies can be tested. And so I come here with a great worry that a bill like this might make it impossible for it to receive Federal funds. And it is directly federally funded.

Senator LIEBERMAN. I assume this is a relatively small number or percentage of the students in the Hawaiian schools.

Mrs. MINK. Very small. Yes, there are witnesses that will testify specifically on the program later on in the panel.

Senator LIEBERMAN. Thank you. Thank you, Mr. Chairman.

Chairman STEVENS. Thank you.

Senator AKAKA. Mr. Chairman, may I add to that? We found that the English scores of the students who are in the immersion programs are better than other students' scores. So there is a gain in that program.

Chairman STEVENS. Thank you very much.

Mrs. MINK. Thank you. May I be excused?

Chairman STEVENS. Yes, you may be excused. You may join us if you wish, Mrs. Mink.

[The prepared statement of Mrs. Mink follows:]

#### PREPARED STATEMENT OF CONGRESSWOMAN PATSY T. MINK

Mr. Chairman, thank you for the opportunity to appear today to speak against S. 356, which seeks to declare English as the official language of the U.S. Government.

According to the U.S. Census Bureau, 97 percent of Americans currently speak English "well" or "very well." Even among those immigrants who come to this country speaking other languages, most passionately desire to be proficient in English—for their own economic survival and to secure economic opportunity for their children. Today's immigrants are learning English faster than previous generations of immigrants; English classes are in such high demand that some stay open 24 hours a day, and statistics show that waiting lists are as long as 40,000 to 50,000. If this is so, why do we need a law to declare English to be our official language? It already is!

So maybe the reason for this bill is to save printing costs. A recent GAO report found that a mere six one-hundredths of one percent of Federal documents produced since 1990 are in languages other than English; this works out to be only 256 out of 400,000 Federal documents. I would also point out that most of those non-English documents were created to serve the Spanish-speaking residents of Puerto Rico. So I guess it is not the cost of publishing in other languages that justifies this limitation.

There is no evidence that this Nation is threatened by "division among linguistic lines." English is far and away our Nation's dominant, common language. There is no threat that English will be subsumed as a minor language. S. 356 has the potential of creating unwarranted division in this country. S. 356 is touted as a way to bolster the national unity but I am troubled by the divisiveness it will create.

How will making English our official language promote unity when thousands of legal, tax-paying immigrants and citizens will be denied a fuller opportunity to gain needed information and services because they are of limited English speaking ability? What is the overwhelming public policy need to punish the few?

The right to benefit from their government should not be limited by language barriers. Language communication via radio, television, and written material is essential for a basic understanding of an already intimidating political process for many non-native English speakers.

Under S. 356, in my role as a government official, my hands would be tied when dealing with my own constituents, for many of whom English is a second language. To suggest that I cannot represent those constituents to the best of my ability and will be forced to essentially exclude them from the political process through English-Only communication is preposterous and insulting. The Constitution of the United States guarantees freedom of speech. Nowhere does it say that it has to be in English. If we enact this bill it will be a limitation of our free society.

The strength of our Nation has always been its diversity. The right of each person to seek information from their government should not be limited by restrictions on the provider. To forsake immigrants this right is to deny the very principle on which this country was built, which is free and open access to our elected officials and our government.

S. 356 would also specifically prohibit Native American Federal employees or officials from communicating with the native population in their native language, even though it would be a more effective means of communication. In addition it could restrict the use of native languages by tribes and native organizations in implementing Federal programs. It is clear that this legislation runs directly counter to overall efforts to preserve and promote the culture and history of the Native Americans.

Mr. Chair, I understand this particular piece of legislation does not specifically repeal bilingual education or multilingual ballot measures, however, its clear message of "English Only" is still exclusionary to those who do not speak English, implying that they are somehow less American than those who do. Whether or not it is its intention, linguistic elitism often gives way to the social forces of resentment and intolerance, and this bill panders to the wave of anti-immigrant sentiment that has become increasingly prevalent. Worst, this official act of exclusion by the government delivers a hostile message to hard-working and patriotic non-native Americans who come to this country and ultimately contribute to its greatness . . . a slap in the face I am not willing to deliver or support.

For a bill which has no ostensible purpose or meets no urgent need, the price is too great. I urge the Committee to reject it.

Chairman STEVENS. Ms. Velazquez, I think you were next on my list. All of you be seated, and I hope you understand, Mr. Underwood. Ms. Velazquez?

**TESTIMONY OF HON. NYDIA M. VELAZQUEZ, REPRESENTATIVE  
IN CONGRESS FROM THE STATE OF NEW YORK**

Ms. VELAZQUEZ. Thank you, Mr. Chairman. Good morning.

I would like to thank Chairman Stevens for convening this hearing and giving me the opportunity to come before you and—

Chairman STEVENS. The people in the back I don't think may hear you, Congresswoman. Thank you very much.

Ms. VELAZQUEZ. Thank you for giving me the opportunity to come before this Committee and testify on an issue of deep concern to me—the current efforts to make English the official language of our National Government.

This debate is not about a common language. English is already our common language. This debate is about tolerance. English-Only legislation coupled with cuts to language education programs only increase intolerance.

At a time when Presidential candidates are using immigration to divide the country, we here in Congress should be working harder to bring all groups together. English-Only legislation does nothing to help unite us. Instead, it fuels the fire of anti-immigrant hatred, encouraging racism and discrimination. It also denies new Americans the opportunity to learn English and limits diversity and multilingualism. As representatives of all of the American people, we must take a long, sober look at the effects of this type of legislation.

No one denies that learning English is the first step to becoming an American and fulfilling the American dream. In fact, by fourth grade most immigrant children have learned that English is the language of power and adopt it. That simple fact should make our task in Congress obvious. Instead of putting obstacles for our newest members of society, we should fund more ESL classes and train more bilingual education teachers.

A favorite line of attack by English-Only advocates is that we need English-Only legislation because immigrants don't want to learn English. Let me dispel this myth here and now. I represent parts of New York City—a city built on immigrants, and flourishing because of immigrants. One need only to look at the long waiting lists and crowded ESL classrooms in my district to know that immigrants do want to learn. It is our responsibility on us to provide outlets for them to learn, not pass legislation that stigmatizes them further.

A policy of official English will only lead to the ruin of our Nation's cultural diversity and multilingualism. Add to that the policy of not providing language programs. One of this Nation's greatest assets will quickly become extinct—all at a time when cultural diversity and multilingualism are vitally important. Ask yourselves—how viable will America be in this global village when it becomes the least multilingual Nation in the world?

We can all agree that New York is one of the financial centers of the world. This city could not survive without its cultural diversity and multilingualism. In an international market where understanding a customer's culture is essential, multiculturalism and multilingualism are extremely important for success. We live in a world with shrinking borders. It is time Americans recognized the strength in its diversity.

Even the Founding Fathers recognized that America's destiny was diversity. The Constitution protects minorities from the tyranny of the majority. Principles like free speech and representative democracy bind this country together. The time has come for us to face up to the effects that this type of legislation will have on those rights.

Many of my constituents speak Spanish or Chinese. Will I and my staff be allowed to communicate with them in the native tongue? Will I be breaking the law? What about the caseworker at the SSI office? When they have to help a hard-working, legal immigrant who speaks limited English, will they be breaking the law?

And I ask you, what about Puerto Rican Americans? I remind you we are U.S. citizens. Will we face discrimination as language minorities? Where does this leave us?

It is already difficult enough helping people. Official language will only make public servants feel like criminals and stop them from speaking.

This legislation also creates barriers to our most cherished right—the right to vote. To truly be representative, everyone must have the opportunity to vote. This includes language minorities, who have a right to receive adequate information to cast an informed ballot. Only then will we truly govern for all Americans—African Americans, Asian Americans, and Latino Americans.

Chairman Stevens, the real problem here is that our Nation of immigrants fears immigrants. English as the official language of government will only make things worse. No one is denying the importance of learning English. What we must do is spend our energy helping people learn English, not promoting legislation that fosters discrimination and intolerance.

Thank you, Mr. Chairman, for giving me the opportunity to testify on this very critical issue.

Chairman STEVENS. Thank you very much.

Do you gentlemen have any questions?

Senator LIEBERMAN. No.

Senator AKAKA. No.

Chairman STEVENS. Thank you very much. I appreciate it very much.

Ms. VELAZQUEZ. Thank you.

[The prepared statement of Ms. Velazquez follows:]

#### PREPARED STATEMENT OF CONGRESSWOMAN NYDIA M. VELAZQUEZ

Good morning, I would like to thank Chairman Stevens for convening this hearing and giving me the opportunity to testify on an issue of deep concern to me—the current efforts to make English the official language of our national government.

This debate is not about a common language. English is already our common language. This debate is about tolerance. English-Only legislation coupled with cuts to language education programs only makes matters worse.

At a time when presidential candidates are using immigration to divide the country, we here in Congress should be working harder to bring all groups together. English-Only legislation does nothing to help unite us. Instead, it fuels the fire of anti-immigrant hatred, encouraging racism and discrimination. It also denies new Americans the opportunity to learn English, and limits diversity and multilingualism. As representatives of all of the American people, we must take a long, sober look at the effects of these types of legislation.

No one denies that learning English is the first step to becoming an American and fulfilling the American Dream. In fact, by fourth grade most immigrant children have learned that English is the language of power and adopt it. That simple fact

should make our task in Congress obvious. Instead of putting up obstacles for our newest members of society, we should fund more ESL classes and train more bilingual education teachers.

A favorite line of attack by English-Only advocates is that we need English-Only legislation, because immigrants don't want to learn English. Let me dispel this myth here and now. I represent parts of New York City—a city built on immigrants, and flourishing because of immigrants. One need only to look at the long waiting lists and crowded ESL classrooms in my district to know that immigrants do want to learn. It is our responsibility on us to provide outlets for them to learn, not pass legislation that stigmatizes them further.

A policy of official English will only lead to the ruin of our Nation's cultural diversity and the multilingualism. Add to that the policy of not providing language programs. One of this Nation's greatest assets will quickly become extinct—all at a time when cultural diversity and multilingualism are vitally important. Ask yourselves—how viable will America be in this global village when it becomes the least multilingual Nation in the world?

We can all agree that New York is one of the financial centers of the world. This city could not survive without its cultural diversity and multilingualism. In an international market where understanding a customer's culture is essential multiculturalism and multilingualism are extremely important for success. We live in a world with shrinking borders, it is time Americans recognized the strength in its diversity.

Even the founding fathers recognized that America's destiny was diversity. The Constitution protects minorities from the tyranny of the majority. Principles like free speech and representative democracy bind this country together. The time has come for us to face up to the discriminatory effects that this type of legislation will have on those rights.

For example, many of my constituents speak Spanish or Chinese. My work with them will certainly be effected by making English the official language of government. Will I and my staff be allowed to communicate with them in their native tongue? Will I be breaking the law if I do? What about the caseworker at the SSI office in my district? When they have to help a hardworking, legal immigrant who speaks limited English—will they be breaking the law? It is already difficult enough to help people. Official English will only make public servants feel like criminals and may stop them from serving.

This legislation also creates barriers to our most cherished right—the right to vote. To truly be representative, everyone must have the opportunity to vote. This includes language minorities, who have a right to receive adequate information to cast an informed ballot. Only then will we truly govern for all Americans—African-Americans, Asian-Americans, and Latino-Americans.

Chairman Stevens, the real problem here is that our Nation of immigrants fears immigrants. English as the official language of government will only make things worse. No one is denying the importance of learning English. What we must do is spend our energy helping people learn English not promoting legislation that fosters discrimination and intolerance.

Thank you, Mr. Chairman, for giving me the opportunity to testify on this very critical issue.

Chairman STEVENS. Mr. Underwood?

#### **TESTIMONY OF HON. ROBERT A. UNDERWOOD, DELEGATE IN CONGRESS FROM GUAM**

Mr. UNDERWOOD. Thank you, Mr. Chairman, and thank you for the opportunity to testify before the Committee on S. 356. I ask that my statement be entered into the record.

Chairman STEVENS. Yes. All these statements will be printed in the record in full.

Mr. UNDERWOOD. At the outset, I would like to state that I am very much relieved by your statement regarding the educational status of indigenous languages, and I appreciate very much that consideration as part of the amendment process or the markup process to this bill.

I also want to state for the record that I understand in a very fundamental way the differences between the legislation in the

Senate and the legislation in the House. I understand that the legislation in the House is of a much far-reaching basis and much more restrictive, at least some of the versions that I have seen. But at the same time, I still want to testify against the proposed legislation here in the Senate.

I think that the point has been made, and has been made repeatedly, that we all are basically thinking along the same lines. I think we all agree that English is already America's common language and that we would all like for it to stay that way. Immigrants want to learn English. Children of immigrants want to learn English. Bilingual educators want to teach them English. And I think we all agree that this is our common goal. But I submit that the unintended consequences, perhaps the unintended message, of this legislation outweighs the intended good that perhaps it is trying to achieve.

As has been pointed out by earlier people who have testified, those who seek to become Americans also seek to learn English. According to recent studies, 97 percent of all Americans over the age of 5 speak English. Today's immigrants actually learn English faster than previous immigrant generations and are motivated to do so by a variety of economic and social forces.

Immigrants come to America because of the opportunities that this country offers, but for these opportunities to be fully realized, they all recognize and I recognize and certainly support that one must be proficient in English, whether they are an immigrant or not.

Just as it is not necessary to legislate market forces, it is equally unnecessary to regulate the workplace and government forces which, in fact, encourage people to learn English. All Americans—immigrants or not—understand that English proficiency is an absolute necessity for advancement in our opportunity-driven economy, and all recognize that English is necessary for full participation in American civic life. Laws weren't necessary to bring this reality about today, and laws aren't necessary to keep it alive.

Beyond being unnecessary, S. 356 contains two troubling provisions. The findings of the bill state that our Nation should maintain a common language "in order to preserve unity in diversity and to prevent division along linguistic lines." However, it seems that the practical effect of this legislation is to highlight that division and in effect preserve that division and prevent unity in diversity. It does so by implication, by inference, not directly, that somehow or other, U.S. citizens who speak other languages naturally, as I do, are somehow creating or the possibility that they are creating fault lines in the American body politic. I know that no such affront is intended, but because there is no problem with the use of English today in American civic and economic and political life, I just don't see the necessity to declare it the official language of the United States.

No one questions—and I hate to use this analogy, but no one questions the fact that the Potomac is the largest river flowing through Washington. How absurd it would be to propose legislation declaring the Potomac River to be the only official river allowed to flow through Washington? Clearly the intent of such legislation would be for no other purpose than to belittle other rivers. Rather

than resolving any particular problem of government, mandating English as our official language instead communicates a negative and divisive message about people who can speak other languages, because this legislation is aimed at them. It is not aimed at English speakers. It is aimed at people who speak a language other than English.

Section 163 and 164 send some very confusing messages. Section 163 prohibits discrimination against people who speak English as a result of government activities. In all my years of working—I have worked in bilingual education programs, I have taught classes in many universities throughout this country, and I have had many experiences as head of a language commission dealing with complicated language issues and legal issues pertaining to them—I have never run into anyone who has had this problem. In fact, it is usually the other way around, that people, as a result of their limited English proficiency, are not getting the kind of services that, perhaps, they deserve.

Even where I am from, even on Guam where most people speak more than one language and many, more than two, this does not happen. By passing this bill we are creating a new category of litigation and possibly adding a new kind of legal specialty—linguistic litigators. Just when you thought we were going in the right direction, getting government out of our lives, we seem to be reintroducing it back in.

Section 164 implies that there is a right way to use language and a wrong way to use language. And that somehow or other anyone can litigate on behalf of that. Who will litigate this? Who actually will take a case like this to court? I think the real victims, if there are any, are not likely to try. Instead organizations and advocacy groups, which are numerous and who want to behave like a kind of language police, will march on our courts as linguistic litigators.

If we truly feel that speaking languages, other than English, in an official capacity is akin to a criminal act, and contravention of the law then we should put in some penalties and put in some fines and some jail time. Get really serious about this. If we are not, then it is purely symbolic and we should treat it merely as symbolic.

In many town meetings that I have I conduct those meetings bilingually. People ask questions in Chamorro, in the native language, I answer them in Chamorro. I try to provide the opportunity to explain things in both languages. But I never look at that as an issue of the law, I never look at it as an issue of rights. I look at it as an issue of courtesy. I spend the time, my staff spends the time to make sure that anyone who is engaged in those town meetings never feels uncomfortable. If they want to understand something that they do not understand, I make sure that people explain it to them or provide translation to people who do not speak Chamorro, but I never see it as an issue of the law.

I think that in societies where you have strong bilingual or multi-lingual situations, as you do on Guam, I think that people naturally develop a common sense of courtesy which we should not interfere with, which, in fact, we should probably emulate in other parts of the country.

We are not solving a problem by declaring an official language, we are creating one. I do not think we are righting real wrongs, we are promoting what may be witch hunts. We are lawmakers and we are certainly not linguists, some of us are not linguists, and we are certainly not social engineers.

If English were truly endangered, if someone was suggesting that some other language be declared the official language of the United States—and I do not think there is—government action, perhaps, would be necessary. But even if that were the case, and I do not think it is, education is still the answer not the regulation of language behavior. And no matter how it is framed, I think this is the effect of declaring English the official language of the Federal Government. Thank you very much.

[The prepared testimony of Mr. Underwood follows:]

#### PREPARED STATEMENT OF CONGRESSMAN ROBERT A. UNDERWOOD

Mr. Chairman, thank you for the opportunity to testify before the Committee on S. 356, the Language of Government Act. I am especially appreciative because we probably have the same goals with regard to this legislation. I think we all agree that English is America's common language and we would like it to stay that way. Immigrants want to learn English. Children of immigrants want to learn English. Bilingual educators want to teach them English. Let's agree that this is our common goal. I submit that the unintended consequences of this legislation far outweigh the intended good.

No one disputes the primacy of English in America. Therefore, declaring English as the official language of the United States is unnecessary. The ability to speak English remains an important aspect of an American identity. Our unity as a Nation is rooted in distinctly American values and beliefs we hold in common, not in one particular ancestry or one particular language. Immigrants are especially aware of this, and they hunger not only for the rights and freedoms of American citizenship, they also want to be a part of their communities as well as be a member of our American family.

Those who seek to become Americans also seek to learn English. According to recent studies, 97 percent of Americans over the age of five speak English. Today's immigrants learn English faster than previous immigrant generations and are motivated to do so by a variety of economic and social forces. Immigrants come to America because of the opportunities this country offers. For those opportunities to be fully realized one must be proficient in English, whether they are an immigrant or not. Just as it is not necessary to legislate market forces, it is equally unnecessary to regulate the workplace forces which encourage people to learn English. All Americans—immigrants or not—understand that English proficiency is an absolute necessity for advancement in our opportunity-driven economy.

Beyond being unnecessary, S. 356 contains two troubling provisions. The findings of the bill state that our Nation should maintain a common language "in order to preserve unity in diversity and to prevent division along linguistic lines." However, it seems that the practical effect of this legislation would be to preserve division and prevent unity in diversity. I know some will say that no such affront is intended. But because there is no problem with the use of English, any effort to coerce English-Only must be seen as giving life to the forces of resentment.

S. 356 attempts to alleviate the fears and anxieties of those who think the presence in this country of other languages somehow threatens and diminishes English. This bill mandates some comfort at the expense of all the other languages native to the United States and territories, and that is social engineering of the most destructive kind. Legislation of this kind does nothing more than address a purely emotional issue and solve a problem that doesn't exist.

No one questions the fact that the Potomac is the largest river flowing through Washington. How absurd it would be to propose legislation declaring the Potomac River to be the only official river allowed to flow through Washington. Clearly, the intent of such legislation would be for no other purpose than to belittle other rivers. Rather than resolve any particular problem of government, mandating English as our official language, instead communicates a negative and divisive message about people who can speak other languages.

Section 163 and 164 send a very confusing message. In all my years I always thought it was the other way around. I always thought it was those who were not

proficient in English who had difficulty getting essential services and information from their government. Where is this person who is being denied services because he only speaks English? Who is this guy? Where is this happening? Even on Guam—where most people speak more than one language, and many more than two—this does not happen. By passing this bill we are creating a whole new category of litigation and probably a new legal specialty, linguistic litigators. Just when you thought we were moving in the right direction, getting government out of our lives, making government less intrusive in the daily lives of citizens, here comes Section 164.

Section 164 implies that there are rights and wrongs, that there are crimes and criminals. Yet, there are no mechanisms envisioned for enforcement. Do we really want to give citizens the latitude to sue each other over language as provided for in this bill. Who will be injured? How would courts set damages? Would we decide that some languages are more injurious than others? Is Spanish a greater offense than Chinese? Is this world according to George Orwell, speaking Spanish is a felony and speaking English with a Spanish accent is a misdemeanor.

And who will be taking this issue to court? Real victims, if there are any, are not likely to try. Instead, organizations and advocacy groups behaving like language police will march on our courts as linguistic litigators. If we truly feel that speaking languages other than English in an official capacity is a criminal act, then put in some penalties, set stiff fines, order jail time, and create a new Federal bureaucracy to hunt down language violators.

We are not solving a problem by declaring an official language, we are creating one. We are not righting real wrongs, we are promoting witch hunts. We are law makers, not linguists, not social engineers. In an effort to create harmony we are highlighting our differences. Among people of different cultures who are as American as you and I, the efforts are the equivalent of Jim Crow laws. The hate and resentment they mask should be exposed for what they are, immigrant bashing in coded phrases. We know what our common goal is and we should be working to get there. But we don't get there by bashing immigrants and oppressing native languages.

Chairman STEVENS. Questions, gentlemen?

Senator LIEBERMAN. Well, my only thought is we may want to amend the product liability bill to have a cap on punitive damages for linguistic litigation. [Laughter.]

Senator AKAKA. Mr. Chairman?

Chairman STEVENS. Yes.

Senator AKAKA. Mr. Chairman, I think the Congressman from Guam, who spoke particularly on Section 163 and his concern over that, I wonder whether 163(b) was another provision that raised your concerns about this bill? It reads: "no person shall be denied services, assistance, or facilities directly or indirectly provided by the government solely because a person communicates in English."

And, from what you said, I wonder if we changed that, instead of English, in any other language, that they won't receive services?

Mr. UNDERWOOD. Well, I am sure it will change the whole direction of the legislation. [Laughter.]

Chairman STEVENS. Well, there already is such a law, it already exists. There is a law that says you cannot discriminate someone speaking other than English. But there is none that prohibits discriminating against someone who speaks English. Better think that one through. The civil rights law already protects that.

Well, I am constrained to say, Mr. Underwood, when we recall who really initiated this concept, both here and in California, Senator Hayakawa, a person of Japanese heritage, born a Canadian, became a United States citizen and was one of the really, I think, distinguished professors of languages in our country in its history, from the University of Berkeley. I think that some of the things you say sort of disturb me, because those of us who knew Sam Ha-

yakawa very well understood him very much to be motivated by the concept of preserving unity, rather than disunity.

He saw what happened in Canada and he saw what happened in California. And I do believe he was not motivated by any concept of trying to bring about disunity or discrimination against those who spoke another language. As a matter of fact, he authored some of the programs that we enforce today that deal with the multi-language capability, the bilingual education laws.

So, I find it strange to have the fear expressed that something that Sam Hayakawa—this is his bill by the way—the bill we introduced in the Senate was the one that he introduced when he was here as a member of the Senate.

Mr. UNDERWOOD. Well, certainly, Senator, I have no problems with what Senator Hayakawa has presented, or I certainly do not mean to impugn his motives. I am only speaking as the recipient of the message and how it has been interpreted and how it is perceived. It is quite obvious to speakers of languages other than English in this society that a bill of this nature somehow casts their behavior in a different light than it would be had this not been declared.

So, I think the issue is not whether people are really being narrow-minded, or open-minded. I think the basic issue is, is this necessary? And I think the answer, for me, the answer is that it clearly is not.

I think English is as about as secure, in its status, in this country as any language can be anywhere in the world and, indeed, it is spreading out throughout the world.

Chairman STEVENS. Thank you, Mr. Underwood.

Mr. UNDERWOOD. Thank you, Mr. Chairman.

Chairman STEVENS. Senator Shelby had some questions that were to be delivered to the first panel and they will be mailed to them. We will give them now to those who are coming in this panel. He is in another hearing and sent word that still he is not going to be able to be here yet.

Our next panel will include Iliodor Philemonof, a great personal friend, Eastern Aleut Language Specialist, from my home State of Alaska; Leonard Chee, the Chairman of the Education Committee of the Navajo Nation Council from Arizona; JoAnn Chase, the Director of the National Congress of the American Indians; and pursuant to his request, I will yield to my friend from Hawaii to introduce the witnesses that are coming from his State.

Senator AKAKA. Thank you very much, Mr. Chairman.

I would like to call to the desk and recognize the presence of two witnesses from the Aloha State, Ms. Kauanoe Kamana and Ms. Namaka Rawlins. I deeply appreciate the chairman's courtesy in inviting them to participate in this hearing.

Ms. Kamana and Ms. Rawlins are President and Director respectively with the first Hawaiian language immersion program for preschoolers. And Ms. Kamana is also Professor of Hawaiian Studies at the University of Hawaii at Hilo.

I want to say, hello and welcome, to both of you and to the rest of the panel.

Thank you, Mr. Chairman.

Chairman STEVENS. Thank you very much.

I hope that everyone is aware, we tried to give a chance for Members of the House to come testify from various parts of the country—Illinois, New Mexico, Hawaii, New York and then an offshore area, Guam—we are now going into what I would call the Native American group. My friend from Alaska, representing Alaskan Native people, people that Senator Akaka just introduced from the Native Hawaiian background will be testifying. We have the Navajo Nation Council, that is representative of an independent group of American Indians, and Ms. Chase representing the National Congress of American Indians.

We have not been able to hear everybody but I considered you, as this panel, to be representative of a substantial number of letters we have received and then we will turn to panel three, again, representing different concepts, including a Professor of Law from Florida, and a representative of the Asian-Pacific American Legal Consortium.

So, for those of you who are here in the audience, I want you to know we do have finite time here and we just cannot accept everyone who writes. But we have tried to do our best to select people who are representative, of the type of petitions we have had, to come and testify today.

And, again, I repeat that if you do have a statement you want to submit for the record, we will be pleased to accept it.

First, let me call upon my good friend and fishing companion, Mr. Philemonof.

#### **TESTIMONY OF ILIODOR PHILEMONOF, EASTERN ALEUT LANGUAGE SPECIALIST, ANCHORAGE, ALASKA**

Mr. PHILEMONOF. Thank you, Mr. Chairman.

I would like to preface this testimony that I was on a short vacation here, and I still am, but I took time out because I felt that this was an important and a critical issue for all the indigenous people of the United States and other ethnic groups that are the citizens of the United States. And I will, within this testimony, ask that some sections be deleted and others have additions made to it.

[Aleutian Greeting.] That is being interpreted as, Good morning. Your Honor, Chairman, Senator Stevens of Alaska, and other honorable Members of the Committee on Governmental Affairs, I am pleased and honored to appear before you as a witness to testify on S. 356. My name is Iliodor Philemonof, also known as Ed to some people. I am an Eastern Aleut Language Specialist and the CEO of the St. George Tanaq Corporation, a village corporation formed under ANCSA, which is the Alaska Native Claims Settlement Act, in 1971.

It is my belief that without knowing our native language or tongue we do not have a culture. The language represents a homeland the Alaskan Native people live in, their thoughts, and their emotions from the heart and soul. I believe this is true of all other ethnic groups throughout the world.

The word, Alaska, comes from the Aleut word, Alaxsish, which makes reference to the mainland that is large like a whale. The root word, Alax means whale. This word was created from the environment from which the Aleut people have resided for centuries, nearly 10,000 years ago.

The indigenous people of Alaska and those of the lower 48 and Hawaii and other nationalities of the world can only truly understand their culture and heritage through speaking their native tongues. The words are a major part of the genealogy of the culture. It is tied to historical time and knowledge of people, place, and environment. It creates a social and political bond that represents distinct culture.

S. 356 is declaring “English as the official language of the Government of the United States.” This bill is explicit that the English language shall be utilized to conduct its official business with all branches of the Government of the United States and all employees and officials of the Government of the United States. Then the next sentence can be deleted.

Unfortunately, Section 2(a), I feel somehow, alludes to the English language as the official language of all the people of the United States. This legal rhetoric is inappropriate to the bill’s title as an amendment to Title 4, U.S. Code.

For example, Section 2(a)(3) states, “. . . the common thread bonding those of differing backgrounds has been a common language.” The common thread has not been a common language, but rather to “promote the general welfare and secure the blessings of liberty to ourselves and to our posterity”, as it is written in the preamble to the Constitution of the United States. The common thread is freedom; the freedom of speech, religious freedom, freedom of commerce, and etc.

Section 2(a)(4) States, “in order to preserve unity in diversity, and to prevent division along linguistic lines, the United States shall maintain a language common to all people.” Preserving unity in a culturally rich, diverse American society is provided by preserving languages. Language preservation creates a common bond of the people of that distinct culture. Division along linguistic lines have only been created historically Federal Government policy. A common language of the people of the United States destroys the opportunity and freedom of preserving that cultural unity.

Section 2(a)(7) indicates that by knowing and learning the English language somehow grants “language skills and literacy.” This implies that citizens of the United States and of a particular culture and speaking their native tongues are uneducated. This is not a truth. Further, English is not necessary to become a responsible citizen and a productive worker.

In conclusion, I oppose S. 356 and to delete, as it is written. I feel and sense parts of Section 2(a) are patronizing and perhaps even a smack of haughtiness. Are we not all created equal in the image and likeness of God? Is there a hidden agenda and a political motive to this bill? Is this going to be one of those unfunded mandates imposed by the U.S. Government?

Unofficially, the English language is and has been the “unofficial” language of the United States. What is there to fix when it is not broken? I believe we should leave the subject status quo.

I would rather see one introduce a bill that would change the National anthem to “America the Beautiful” which portrays the United States as a beautiful and free country in which we are proud to be citizens of.

Thank you for allowing me to testify before you.

[Aleutian Greeting.]

Thank you.

[The prepared statement of Mr. Philemonof follows.]

#### PREPARED STATEMENT OF ILIODOR PHILEMONOF

Your Honor Senator Stevens of Alaska, and other Honorable Members of the Committee on Governmental Affairs I am pleased and honored to appear before you as a witness to testify on Senate Bill 356.

My name is Iliodor Philemonof, an Eastern Aleut Language Specialist and the CEO of St. George Tanaq Corporation, a village corporation formed under ANCSA, in 1971.

It is my belief that without knowing our native tongue (language) we do not have a culture. The language represents the homeland the Alaska Native people live in, their thoughts, and their emotions from the heart and soul. I believe this is true of all other ethic groups throughout the world.

The word Alaska comes from the Aleut word Alaxsish or Alaxsish which makes reference to the mainland that is large like the whale. The root word Alax means whale. This word was created from the environment from which the Aleut people have resided for centuries.

The indigenous people of Alaska and other nationalities of the world can truly understand their culture and heritage through speaking their native tongue. The words are a major part of the genealogy of the culture. It is tied to historical time and knowledge of people, place, and environment. It creates a social and political bond that represents that distinct culture.

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For example, Section 2(a)(3) states, ". . . the common thread binding those of differing backgrounds has been a common language." The common thread has not been a common language but rather to "promote the general welfare and secure the blessings of liberty to ourselves and to our prosperity," as it is written in the preamble to the Constitution of the United States. The common thread is freedom; the freedom of speech, religious freedom, freedom of commerce, and etc.

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Section 2(a)(7) indicates by knowing and learning the English language somehow grants "language skills and literacy." This implies that citizens of the United States and of a particular culture and speaking their native language are uneducated. This is not a truth. Further, English is not necessary to become a responsible citizen and a productive worker.

In conclusion I oppose Senate Bill 356 as it is written. I feel and sense parts of section (2)(a) are patronizing and perhaps even a smack of haughtiness. Are we not all created equal in the image and likeness of God? Is there a hidden agenda and political motive to this bill? Is this going to be one of those unfunded mandates imposed by the U.S. Government?

Unofficially, the English language is and has been the "official" language of the U.S. Government. What is there to fix when it is not broken! I believe we should leave this subject status quo.

I would rather see one introduce a bill that would change the national anthem to "America the Beautiful" which portrays the United States as a beautiful and free country in which we are proud to be citizens of.

Thank you for allowing me to testify before you.

Chairman STEVENS. Thank you, Ed.

Senator Akaka, do you want to recognize your witnesses?

Senator AKAKA. Mr. Chairman, I am delighted that witnesses from Hawaii were invited by you here. I am happy that they are here. They have been a part of what we call a Hawaiian immersion programs that we feel has been very, very successful in Hawaii and would like for them to testify this morning.

Ms. Kauanoe and Ms. Namaka next.

**TESTIMONY OF KAUANOE KAMANA,<sup>1</sup> PRESIDENT, AND NAMAKA RAWLINS,<sup>1</sup> DIRECTOR, PUNANA LEO PROGRAMS, HILO, HAWAII**

Ms. KAMANA. [Greeting in Hawaiian.] Aloha.

Senator AKAKA. Aloha.

Ms. KAMANA. I am Kauanoe Kamana. I am President of the Aha Punana Leo, Inc., and this is Namaka Rawlins, Director of Aha Punana Leo Projects. The Aha Punana Leo is a nonprofit organization established in Hawaii to ensure the survival of our severely threatened Hawaiian language. Thank you for giving us this opportunity to speak in opposition to S. 356.

We oppose S. 356 unless its language is extensively and significantly modified to guarantee the revitalization and perpetuation of the indigenous languages of the United States. In its attempt to elevate English, it attempts also to group all non-English languages of the United States into one category. In doing this, it fails to recognize the existence of Native American languages and the unique responsibility that the U.S. Government has in ensuring the survival of all Native American languages.

This bill, as it stands, will commit linguistic genocide against the Native American people. Ironically those who initiated the Official English movement have recognized that the Official English needs to make special and extensive exceptions for Native American languages.

In 1984, the advocates of U.S.ENGLISH adopted a policy position on Native American languages that reads as follows:

U.S.ENGLISH has adopted a policy position on the preservation of Native American languages. The following considerations shaped the development of our position. The languages of Native Americans are part of the heritage of the North American continent. While we are opposed to the official institutionalization of other immigrant languages in competition with English, we recognize, as a matter of justice, that Native Americans should have opportunities to maintain their own languages.

Native American languages are not spoken anywhere else in the world and some would surely disappear without affirmative encouragement. This would be a loss to all humankind and not just the affected tribes. We believe that the preservation of Native American languages is an intellectual obligation we must assume.

Many Native American tribes enjoy some form of autonomy and/or sovereignty which is already de facto recognition of their special status in American society.

U.S.ENGLISH, therefore, endorses the following policy principles:

(A) Recognition of and respect for the right of Native American tribes, who live in territories granted a measure of autonomy to maintain their culture and language. The tribal culture is paramount in these jurisdictions, and bilingual education could be the vehicle for introducing English into the curriculum. This would apply to Indians on reservations, to Eskimos,

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<sup>1</sup>The prepared statement of Ms. Kamana and Ms. Rawlins appears on page 152.

mos and Aleuts living in villages under the terms of the Native Alaskan Claims Settlement Act, and to Hawaiian communities.

(B) Those Native Americans who leave the tribal communities to live in society-at-large and whose children attend regular public schools are governed by the same principles as everybody else. Distancing oneself from the fountain of one's native culture inevitably diminishes cultural ties and leads to rapprochement/assimilation to the majority culture.

In areas where there are enough interested parents to make it practical, a Native language can be offered as an additional subject, even in the primary grades.

(C) Some Federal funds should be made available at the post-secondary level to encourage the study of Native American languages and cultures as rigorous academic disciplines. This is essential to help record and preserve languages threatened with extinction.

We bring with us amendments that reflect our feelings and those of several other Native American language preservation groups with which we have contact regarding incorporation of principles very similar to those supported by U.S.ENGLISH. We also urge that in including amendments supporting the survival of Native American languages that other amendments be made to assure that the access of linguistic minorities to government be maintained as well.

Ms. RAWLINS. Senators, we propose that this bill be similar to the kind of legislation that we have in Hawaii. In the State of Hawaii English is official but it is official along with the indigenous Hawaiian language. English is the general language of government and daily life for Hawaii's diverse population and also for contact with the outside world.

Hawaiian may also be used by the government at any time but is only required when specified by law. Among the laws specifying the use of Hawaiian are laws relating to use of either Hawaiian or English as a medium of education in public schools, promotion of the study of Hawaiian including study in our University of Hawaii system, and the recognition of the rights of Native Hawaiians to continue the language as a traditional and customary indigenous right.

Furthermore, speakers of immigrant languages, who make up approximately one-fourth of our population, are assisted by our State in their access to education, health, human services, and participation in State political life.

There is a long history of over 100 years of official recognition of both the international English language and the indigenous Hawaiian language, as well as a long history of good relations with immigrants. There have been periods, however, when we have been affected by forces emanating from other States similar to the harsher elements of the English-Only movement. We experienced a ban on the Hawaiian during one period that nearly exterminated our language. We are only now beginning to come out of that period.

We also experienced a period when American anti-Asian fervor resulted in citizenship being denied our very large Japanese, Chinese and Korean communities. This persecution included laws banning community language schools. The issue was taken to the Supreme Court and won by the language schools.

Throughout the periods when these outside influences placed bans on our languages, we have continued to respect each other, based on our Hawaiian feelings of Aloha for our fellow man no

matter what their background. Between Kauanoe and myself, we have family members who represent every ethnic group here on this panel and beyond from American Indian to Japanese, Arab and Korean, and from Puerto Rican to African-American, Jewish, German, Chinese and Samoan.

Our ancestors left us with a saying, [Hawaiian Saying.] In language rests life, in language rests death. Our Native Hawaiian language cannot be consigned to death by this bill. Immigrants in Hawaii cannot be left out of public life because of this bill. The English language cannot be associated with the death of other languages by this bill.

Senators we in Hawaii know that it is possible to develop legislation that recognizes the special role of English, that provides special support for the survival of indigenous languages and that protects the access of immigrants to the society they seek to join. S.B. 356, as it is currently written, is not such a legislation. Attached are extensive suggested amendments to create such a bill.

Thank you for this opportunity to work with you in assuring that special attention be given to the Native American languages of the United States.

[Hawaiian Greeting.]

Chairman STEVENS. Thank you, very much.

We will now turn to Mr. Chee, who represents and is Chairman of the Education Committee of the Navajo Nation Council of Window Rock, Arizona.

It is nice to have you, sir.

#### **TESTIMONY OF LEONARD CHEE, CHAIRMAN, EDUCATION COMMITTEE, NAVAJO NATION COUNCIL, WINDOW ROCK, ARIZONA**

Mr. CHEE. Thank you, Mr. Chairman. [Navajo Greeting.]

Good morning, Chairman Stevens and Members of the Governmental Affairs Committee.

My name is Leonard Chee, and I serve as the Chairperson of the Education Committee of the Navajo Nation Council. On behalf of the Navajo Nation, America's largest American Nation, thank you for the opportunity to present our concerns on this bill.

The Navajo Nation has a population of 225,000 enrolled members. The Navajo Nation is a young, predominantly bilingual nation.

Chairman STEVENS. Let me interrupt you, if I may, so I will not be offending your leader. I apologize. But in view of the time—the ladies each have taken about 10 minutes and Mr. Philemon of about 10 minutes—I understand you have got the full statement and we will print it in the record in full, but could you summarize it within 10 minutes for us, please?

Mr. CHEE. Thank you, Mr. Chairman. What you have is the written testify and what I will do is an oral which is less than 5 minutes.

Chairman STEVENS. Thank you very much.

Mr. CHEE. The Navajo Nation is young, predominantly bilingual nation which proudly speaks both Navajo and the English languages. Today, unfortunately, all Indian languages are threatened. Of the 155 Indian languages still spoken in the United States only

23 of these are spoken by Indian children, including the Navajo Nation. The Navajo Nation is among the 20 nations whose children speak their own Native language.

Preserving and perpetuating the language is essential to the preservation of our culture and we are concerned the implementing the English-Only policy on Indian reservations would hinder the survival of the Navajo and other Native languages.

As an educator, a school board member, a college regent and, more importantly, as a Native American, I am deeply disturbed by S. 356. Sections 2(b)(3) would repeal any Act that contravenes S. 356, including the Bilingual Education Act. It could also call into question any number of other Acts and programs. Also Section 163(a) could forbid government employees from doing official business with limited English speaking clients in their own language.

Numerous Federal agencies located on or near the Navajo Reservation serve the Navajo people. Business routinely conducted with these Federal agencies could be restrained if this legislation were enacted.

Furthermore, this Section would place many government-funded offices, such as Social Security, under the English-Only rule. Older Navajos depend upon government offices like Social Security on or near their reservation.

Many limited English-speaking Navajos have to travel long distances over poor roads to reach the nearest Social Security office. It is difficult to imagine that anyone would tolerate the prospect of an elderly Navajo being denied Social Security benefits, yet, many Navajo people would, effectively, be denied under their rights as citizens because the Social Security Administration would be reluctant to provide interpreters for fear of being sued.

The Navajo Nation and all other Indian Nations have already experienced firsthand effects of government sanctioned English-Only policies. Past policies to assimilate Indian children condone physical and spiritual punishment of these children who spoke their Native language.

Many Navajos can still recall being beaten and punished for speaking their language. Many Navajo parents fear that their children will be punished in similar ways should such a move toward reenacting such a policy occur. This legislation has been characterized as a harmless affirmation of the English language, as a unifying force, in an increasingly diverse Nation and patriotic symbol of American solidarity.

However, there is nothing unifying or patriotic about this bill. If the Committee wishes to seek unity, patriotism, they need look no further than our own Navajo Code Talkers in World War II. Brave and dedicated Navajo Code Talkers vitally contributed to the war effort, utilizing the Navajo language to transmit and receive messages on the front lines in the South Pacific. The Japanese were unable to break the secret Navajo Code. When the freedom and the future of America were hanging in a precarious balance, the unified efforts of the Navajo people and other Americans exemplified by diverse cultures and languages of this land, could cooperate and fight for a greater purpose.

In closing, the Navajo Nation wishes to assert, but it does not oppose the use of English which is and has been long the common

language of this country, however we do oppose any move to suppress the teaching and the utilization of Navajo language by denying our children bilingual education and our elders services.

We have a responsibility for the protection of our language and culture. No responsibility could be more important. Thank you.

[The prepared testimony of Mr. Chee follows:]

#### PREPARED STATEMENT OF LEONARD CHEE

Mr. Chairman and Members of the Committee, I am Leonard Chee, Chairman of the Navajo Nation Council's Education Committee. The Education Committee has oversight responsibility on all education issues on the Navajo Nation. On behalf of President Albert Hale, the Navajo Nation appreciates this opportunity to submit our comments on "English As Our Common Language." The Navajo Nation is seriously concerned that testimony presented in the previous hearings were predominantly supportive of the numerous "English-Only" bills. While the Navajo Nation does not oppose the use of English, which is and has long been the common language of this country, we, do however, oppose any move to suppress the teaching and utilization of the Navajo language. The Navajo Nation firmly believes our schools provide more for our children when the curriculum includes language programs in Navajo and English. The high expectations to learn both languages enable our children to do better in English, school, and life. Finally, reduced funding for both Indian children and Indian adult education only jeopardizes future success for English-language programs.

#### THE NAVAJO NATION

The Navajo Nation is the largest American Indian tribe, with a population of over 225,000 enrolled members. Moreover, the Navajo Nation is a young, predominantly bilingual nation, which proudly speaks both the Navajo and English languages. Approximately half of the Navajos residing on or near the Navajo Nation are below the age of 21. As such, the education and development of Navajo youth is extremely important to the future of Navajo people.

In 1868, the Navajo Nation signed a treaty with the U.S. Government. In English this is commonly referred to the Treaty of 1868, in the Navajo language, it is *Naaltsoos Sani*. The Treaty exchanged certain lands and assured the Navajo Nation possession of remaining lands in return for peace and certain continuing services, including the education of Indian students.

#### Navajo Code Talkers

In World War II, dedicated Navajo "Code Talkers" vitally contributed to the war effort. The Japanese were able to break every code devised by the U.S. Military. One last effort to create a secret code resulted in the Navajo Code Talkers. The Navajo Code Talkers used the Navajo language to transmit and receive messages in the South Pacific. The Japanese were unable to break the secret Navajo code. We must not forget the useful purpose the Navajo language served during World War II, but, rather, join in preserving American Indian languages so they may be passed on to future generations. When the freedom and future of America was hanging in the balance, the patriotic spirit of the Navajo people and America exemplifies that diverse cultures and languages of this land can unite and fight for a greater purpose.

#### NAVAJO NATION CONCERNs

The Navajo Nation has many concerns regarding S. 356, the "Language of Government Act" and other English-Only legislation currently pending before the Congress.

#### Navajo People Will Be Denied Rights and Benefits

The Navajo Nation is concerned that this bill could "repeal" any act that "contravenes" S. 356, including the Native American Language Act, the Bilingual Education Act, and the Voting Rights Act. It could also call into question any number of other acts and programs. Numerous Federal agencies located on or near the reservation serve the Navajo Nation. Business routinely conducted with these agencies, including the Bureau of Indian Affairs, the Indian Health Service, and the U.S. Department of Agriculture, will be restrained if this legislation were enacted.

Further, since the enactment of Part 55, *Implementation of the Provisions of the Voting Rights Act*, regarding the Language Minority Provisions, 28 C.F.R. Ch.1 (7/94 Ed.), Navajo citizens have increasingly registered to vote and participate in coun-

ty, State and Federal elections. These provisions require that local counties, where Navajo is predominately spoken, provide oral instruction, assistance, or other information relating to registration and voting in the Navajo language. English-Only initiatives will negate the progress that have been achieved with American Indian citizens in exercising their voting right in a native language and social environment at polling sites and election offices.

It is difficult to imagine that anyone would tolerate the prospect of elderly Navajos being denied Social Security benefits, yet, many Navajo people could, effectively, be denied their rights as citizens because the Social Security administration would be reluctant to provide interpreters, for fear of being sued. Likewise, many Navajo people who are not thoroughly proficient in the English language often have trouble with the 'legalese' of government agencies. Such laws would create two classes of citizens and deprive many of their rights because they don't speak English or don't speak English well.

#### *The Navajo Nation Needs Credible Evidence*

Secondly, the Navajo Nation is concerned and puzzled that proponents of the English-Only bills maintain that the English language is "in danger." As stated earlier, English is, and has long been, the common language of this country. The ability to speak English is necessary to function in nearly every segment of American society. As shown in a 1990 U.S. Census Report, 97% of Americans speak English. This clearly contradicts the belief that America is in danger of dividing along language lines. The Navajo Nation recommends that credible evidence to support this position be presented to Congress.

Additionally, the proposed legislation appears to adamantly ignore the findings of the "Rodriguez Report." In the mid-1980's then-Secretary of Education William Bennett spent over \$6 million to demonstrate the superiority of a "structured English Immersion" program. This report disproved the contention that bilingual programs fail to provide a quality education. In the first year of this study, English immersion classrooms were doing worse than the bilingual classrooms. At the end of the study, the "late exit bilingual" classrooms were superior to both the "early exit bilingual" and the "structured English immersion" classrooms. In other words, students who were taught in their own language as well as English, did better than students taught only in English.

#### *English-Only Policies Will Go Against Existing Bilingual Education Programs*

In 1984, the Navajo Nation Council passed the Navajo Nation Education Policy, that called for Navajo language instruction and the development of Navajo culture curricula in all grades and schools. In 1988, the Arizona State School Board called for the teaching of "foreign/native" languages in all common schools, with school boards to select the language and the approach. Nine of the eleven Navajo-majority districts opted for Navajo and are adding instruction in Navajo one more grade each year. New Mexico has said that they want to work towards the development of programs that would allow all students to become bilingual. Presently, only a small portion of Navajo students are receiving some type of Navajo instruction, however, this has been increasing each year. Enacting English-Only policies will make the success of these programs difficult, if not impossible.

#### *English-Only Policies Hurt Indian Nations*

The Navajo Nation, and all other Indian nations, have experienced firsthand the effects of government-sanctioned English-Only policies. These experiences were not pleasant. The United States' past policies to assimilate Indian children condoned physical and spiritual punishment of those children who spoke their native language. There are many Navajos who still recall being beaten or denied food or isolated for speaking Navajo. Many Navajo parents fear that their children will be punished in similar ways should a move toward reenacting such policies occur.

Today, all Indian languages are threatened. Of the 155 Indian languages still spoken in the United States, many by only few speakers, only twenty of these are now spoken by Indian children. The Navajo Nation is among the twenty tribes whose children still speak their tribal language. The Navajo Nation recognizes that preserving and perpetuating the language is important to the Navajo Nation and is concerned that a move toward implementing an English-Only policy on Indian reservations would hinder the survival of the Navajo and other native languages.

### NAVAJO NATION EDUCATION

Like the U.S. Government, the Navajo Nation is in the process of reinventing and redefining itself. "Local empowerment," the centerpiece of the Navajo administration seeks to empower the 110 Navajo chapters (local units of government) so that they

can address and resolve local needs and issues. Consistently, Navajo chapters have been concerned that the school systems on the Navajo Nation do not provide bilingual or bicultural education programs and activities. If S. 356 is enacted, it will be even more difficult for (1) Navajo children to master and retain their language and culture and (2) the Navajo chapters to assist these children.

#### *Navajo Educational Philosophy*

The Navajo Nation's educational mission and goals of language and culture concepts were established on the premise that the quality of our learning and educational experiences are determined by the wisdom of the Navajo language and culture. Navajo language and culture binds our people together as a society, a society which includes all elements of how we perceive creation, the world, our belief of life and its purpose of being. The Navajo Nation is working against great odds, to treat our elders with respect and dignity, and to give our children access to our language and ways-of-life in Navajo schools.

#### *Bilingual vs. English-Only Instruction of Navajo Students*

Currently, two of the pending English-Only bills would explicitly "repeal" the Bilingual Education Act; the other two might also do so. Over the last four decades, Navajos have experienced the relative merits of mono-lingual English-Only and bilingual Navajo and English education.

Prior to 1980, schools on the Navajo Nation utilized the English language even though a great number of Navajo adults communicated in Navajo. More progressive schools used "English as a second language" techniques, while most used what can be called English submersion. We have seen the inadequacy of English-Only education. The creation of bilingual education programs, which taught English while continuing to teach content and skills in one's own language, emerged on the Navajo Nation. For example, Navajo Nation statistics show that children from the Rock Point School taught in both Navajo and English consistently perform better on standardized tests given in English, than comparable students in English-Only instruction.

The Navajo Nation is concerned that an increasing proportion of our children either do not speak Navajo or do not speak it well. Since 1980, there has been an increased growth in Navajo-language programs. We have seen that the limited Navajo-speaking children in the Navajo Immersion program at Fort Defiance, Arizona, have performed well on English and other academic tests. With the success of Navajo Immersion Programs, children have learned to speak, read, and write Navajo.

The notion that punishing Navajo children, by replacing good bilingual education with long-discredited English-Only education, will cause these children to learn more or better English flies in the face of our experience over the last four decades. We have learned that good bilingual education is considerably better than the best English-Only instruction. In good bilingual Navajo-and-English instruction, there is a measurable amount of evidence that *almost all* children succeed. In good monolingual English-Only instruction, *only some* of the children succeed. Even those that succeed in the best English-Only programs are often left with attitudes about their native language, their selves, and their people, which are not conducive to later success in work and in life.

An increasing number of parents have become disenchanted with the English-Only approach of the schools. Navajo parents have come to realize that talking only English does not necessarily guarantee "success" in school. More parents want their children to talk and be Navajo, emphasizing the notion that the lack of Navajo language and culture has distanced many children from their parents and their grandparents. These children's role models are no longer their elders, but the increasingly violent teen culture they see in the media.

Navajo parents and educators recognize the importance of English usage and do not advocate replacing English with Navajo. Moreover, there is tremendous support for children to be taught in both Navajo and English. The general consensus is that student achievement will rise in the bilingual setting, and will contribute to a better feeling about themselves and their people. Our experience is supported by similar reports and research from around the world.

#### *Impacts to Navajo Adult Education*

The greatest need for services targets the Navajo elderly population. Many non- and limited-English speaking Navajos are deprived of adult education primarily due to isolation factors that encompass the boundaries of the Navajo Nation. Many of the communities do not have access to adult English classes so it is difficult to provide other needed services to this group without reliance of interpreters.

## CONCLUSION

The Navajo Nation urges Congress to insist that proponents of English-Only legislation provide credible evidence that supports: the notion that the English language is in trouble; America is in danger of division along language lines; punishing non- or limited-English speakers will cause them to learn English; these methods will make America a better and more unified country.

More importantly, it is vital that Congress reassert the founding fathers' faith in unity through diversity, and the Congress' own belief (at 25 USCS § 3283 (a)(3)) that "the Federal Government has a special and contributing obligation to assist in providing educational opportunity to limited English proficient children." As instruments of change, there exists unparalleled opportunity to provide visionary leadership to an uncertain, but clearly challenging future.

Chairman STEVENS. And now, we have Ms. JoAnn Chase, the Executive Director of the National Congress of American Indians.

Thank you, Ms. Chase.

**TESTIMONY OF JOANN CHASE, EXECUTIVE DIRECTOR, NATIONAL CONGRESS OF AMERICAN INDIANS, WASHINGTON, DC**

Ms. CHASE. Good morning, Chairman Stevens, Senator Akaka, my name is JoAnn Chase. I am the Executive Director of the National Congress of American Indians. It is my pleasure to have this opportunity to share some of our thoughts and concerns with you and other Members of the Senate Committee on Governmental Affairs this morning.

I express the regrets of our President, Ron Allen, who is the President of the National Congress of American Indians and the Chairman of the Jamestown S'Klallam Tribe, in Washington State. Unfortunately, he is not able to be with us today.<sup>1</sup> I ask that I recognize that he has sent in his regrets.

The National Congress of American Indians is the oldest and largest national organization made up of tribal governments and individuals from throughout the country. We currently represent approximately 205, actually 206 today, member Tribes and needless to say, Mr. Chairman, our Tribes are concerned with the current wave of English-Only legislation being introduced in Congress and certainly the residual effects that these bills may have on the teaching and usage of Native languages throughout Indian country.

Certainly, while most of our Tribes recognize English as the common language and appreciate English as a common language and the purposes it serves in the United States, we also recognize and assert that Congress must provide basic assurances to all tribal communities that their rights to safeguard cultures will not be diminished by this or any other legislation.

Mr. Chairman, these efforts, the battle, if you will, for our governments and our people to maintain our cultures is nothing novel. In 1990, Congress passed the Native American Languages Act and one of our main concerns at this juncture is the continued viability of NALA in the face of English-Only legislative challenges. In passing NALA, Congress recognized "the traditional language of Native Americans are an integral part of their cultures and identities and form the basic medium for the transmission and, thus, survival of Native American cultures, literatures, histories, religions, political institutions and values."

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<sup>1</sup>The prepared statement of W. Ron Allen appears on page 167.

The Act goes on to say that the United States has the responsibility to ensure the survival of these unique cultures and languages. The Native American Languages Act represents Federal legislation intended to fulfill the United States trust responsibility to Indian people with regard to culture and language. And this Federal obligation, we would respectfully assert, is in no way inferior to whatever Federal purposes may be served through the promotion of S. 356 or other similar legislation.

Mr. Chairman, as you are well aware, American Indian and Alaskan Native people across the country come from very rich and varied cultures. Part of these cultures, a fundamental essence of our cultures, are our languages and, needless to say, our people rely on our languages to bind and solidify our ways of life and help us enhance our ability to practice our traditional religions as well.

Without languages, without Native languages many of our tribal cultures would simply whither and die off. And just a few short decades ago, unfortunately, pursuant to official policy of this country, our people were prohibited from speaking languages in schools and even within our own territories.

Many of our children, unfortunately, have not had the privilege, overwhelmingly, of being exposed to our elders due to remoteness and other conditions in our reservation communities and the schools, in particular, are filling a very vital role in ensuring that our children, in particular, are exposed to our languages and that our languages are being retained and maintained and enhanced.

Our insistence on preserving our languages and, therefore, our cultures is in no way a denial of the value of English in binding together the United States and its many ethnic groups. However, Indian Tribes and Alaskan Native villages are sovereign nations with our own distinct languages and our own inherent sovereign need to maintain the integrity of our culture and our nations. Native languages, indeed, serve this invaluable purpose.

The specific comments I have on the bill, itself, Mr. Chairman, I would start with Section 162 of S. 356 which makes note of an affirmative obligation on the part of the United States to preserve and enhance the role of English. The United States also has a solemn obligation to fulfill its treaty and trust responsibilities to Indian Tribes and to preserve and protect Tribal cultures.

As you know, because of treaty commitments and other promises made by the Federal Government, the United States is obligated to preserve and protect Indian Tribal lands, assets, resources, people and ways of life, including the continued ability to preserve our cultural base through full and free use of Native languages. As sovereign nations, we retain the right to protect and preserve our first languages.

Section 163(b) of the bill purports to not deny any government services solely because the person communicates "in English." Many Native people, including our Native elders, communicate their thoughts more precisely in Native languages not in English, and I believe, we believe it would be inappropriate to deny any governmental services due to their choice of language.

The so-called English-Only bills currently before Congress, including S. 356, Mr. Chairman, pose real and grave threats to Tribe's capacity to preserve Native languages. Section 2(a)(6), for

instance, claims to help immigrants assimilate. As the hosts of a rich and varied group of people in this great country, for the past 500 years, Indian Tribes and people clearly fall outside the purposes and stated scope of this bill and this section of the bill, in particular.

Tribes are also concerned with Section 2(b)(3) of the bill which purports to repeal existing laws that contravene this Act. From our perspective such a provision may be understood to include repealing the Native American Languages Act, as I mentioned earlier, as well as other Federal statutes and programs that assist in the preservation and protection of Native American languages, such as those programs embodied in the administration for Native Americans within the Department of Health and Human Services.

We find that any such threats to NALA or related legislation, not in keeping with the United States obligation to the Tribes, wholly inconsistent with the maintenance and preservation of indigenous culture and languages into the 21st Century and unacceptable.

The preservation of culture, primarily through the medium of language, was one of the founding principles of the National Congress of American Indians and certainly remains a top priority of our membership. Our linguistic heritage is vital for the continuation of our cultures which have historically undergone major and massive assaults. Native Nations across the country have expressed concern for legislation and, as a result, our members have adopted two resolutions recently, both which state opposition to English-Only initiatives.

If I may—and I have enclosed copies of these with our written testimony—and I would ask respectfully that they be submitted for the record, Mr. Chairman.<sup>1</sup>

I wish to thank you again and the Members of the Committee for this opportunity to appear before you and certainly would be happy to attempt to answer any questions you may have.

Thank you.

Chairman STEVENS. Well, thank you, very much. Your statements will be printed in full in the record, and the suggestions you have made, Ms. Chase, and I do thank you all.

And Ed, you have come a long way. I understand you are here anyway, but have you had a chance to see the amendments that pertain to the Indigenous and Foreign Language in Education Settings and the Bilingual Education Activities pursuant in the Native American Language Act. Have you had a chance to look at that?

Mr. PHILEMONOF. Yes. The amendments you had made, yes, I have seen that.

Chairman STEVENS. Will they improve the bill as far as you are concerned?

Mr. PHILEMONOF. Well, I think they will make some improvements to the bill, especially adding the Indigenous People of the United States.

Chairman STEVENS. Will the Aleut people still oppose the bill if that amendment is added?

Mr. PHILEMONOF. Well, I am not sure they would really oppose the bill, Senator, but I think just the way the bill is written and

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<sup>1</sup> Resolutions submitted by Ms. Chase appears on page 171.

the way I presented in the testimony I would still have a little problem with the bill.

Chairman STEVENS. OK. Thank you very much.

Senator do you have any questions of people of your State?

Senator AKAKA. Yes, thank you very much, Mr. Chairman.

To Namaka and Kauanoe, we know you are both teachers of Hawaiian in the Immersion Program. My question, and I just want it for the record, is how is the Hawaiian language benefitted your students and do you believe that it has impeded their ability to learn English?

Ms. KAMANA. When we started our immersion programs in 1983, our intention was to strengthen our Hawaiian language at home, in Hawaii, because all other efforts prior to that were not being, were not successful, not producing use because of our language. That was our initial intent and still is our goal and our mission.

While doing that, we recognized the importance of English in the lives of our children as becoming adults and contributing citizens in our Hawaii. But that their first language and language of their identity is the Hawaiian language. And that English is a necessary language for them as young people.

Now, those children that began as 3- and 4-year-old children in the pre-school at that time are 13 and 14 years old, well, 15 actually this year. And their English ability has not suffered as a result of their education in the Hawaiian Immersion. Their first formal class is presented to them in the fifth grade, one hour of English, and then in the sixth grade they take the SAT, the regular SAT test. And they, at that time, performed equally or better than their counterparts in the English program.

That is a strong indication of our being on the right track in terms of English and we are very happy with their progress in Hawaiian language as well. And there have been contests and other informal occasions where we recognize the abilities of our children in the English language.

There is no need to be concerned about English, even among our Immersion children. Our concern is strengthening the Hawaiian language to make them secure about learning English, because in Hawaii, as you well know, everybody speaks a form of pidgin and has a real strong identity with pidgin in Hawaii which is English affected by Hawaiian and other immigrant languages in Hawaii over many, many years. And our young people have a real strong attachment to pidgin.

So, our department of education is trying to figure out how to elevate English in the public school system. We say if you emphasize Native language education, our children get a more positive view about English as being a separate and important language. And not really look at it as an imposing language on our identity as Hawaiians. So, Hawaiian is a real language.

It has a history. During the 1800s, we had over 90 percent literacy at the time, which is another indication of the strength of our education system at the time, where our schools were taught through Hawaiian language exclusively. The level of English, at the time, was much higher than we are experiencing now among our young people.

So, English, we feel that Immersion education contributes to better English education.

Senator AKAKA. Thank you very much. Thank you, Mr. Chairman.

Chairman STEVENS. Have you finished with your questions, Senator?

Senator AKAKA. Yes, Mr. Chairman.

Chairman STEVENS. Well, I thank you very much.

I do not have any questions of the panel. I appreciate your courtesy in coming. We will give you a chance to comment on amendments that are submitted to the bill. It will be sometime before we have the chance to take this bill to the Committee in markup, I think, well into June. So, we will submit to the Native American organizations the amendments and see if we can get your comments in writing before we proceed to markup.

Mr. CHEE. Mr. Chairman, I would like to leave these documents with you, records from the Navajo Nation Council, that deal with this issue.

Senator STEVENS. Thank you.

[The information follows]

#### RESOLUTION OF THE INTERGOVERNMENTAL RELATIONS COMMITTEE OF THE NAVAJO NATION COUNCIL

*Strongly Opposing the "English Only" Legislation and the Amendments Intended to Have Native Americans Accept Such Legislation and Further Urging the Navajo Nation Government to Make the Navajo Nation's Continued Opposition to the "English Only" Legislation and Amendments Known to Congress and the Public*

WHEREAS:

1. The Intergovernmental Relations Committee is established as a standing committee of the Navajo Nation Council to "ensure the presence and voice of the Navajo Nation" and is vested with the authority to monitor and review the activities of the Federal Government and to assist in the development of programs designed to serve the Navajo people and to coordinate with all committees concerned with Navajo appearances and testimonies before Congressional committees, departments and county and local governments, pursuant to 2 N.T.C. §§ 821, 822 and 824(b) (3) and (5); and

2. By Resolution ECJA-2-96, the Education Committee of the Navajo Nation Council adamantly opposes the "English Only" legislation as the amendments intend to have Native Americans accept such legislation, and further urges the Navajo Nation Government to make the Navajo Nation's continued opposition to the "English Only" legislation and amendments known to Congress and to the public; attached hereto is a copy of Resolution ECJA-2-96 as Exhibit "A"; and

3. The educational development of the Navajo Nation, and the welfare of the Navajo People is threatened by "English Only" bills now before the 104th Congress; and

4. Resolutions ECO-100-95 and CO-98-95 state the Council's opposition to the "English Only" bills before Congress, finding them to be "a serious threat to the education of Navajo children", and asking "all Congressional members to oppose the legislation"; and

5. The three Congressional hearings on these bills have allowed few witnesses to raise questions about these bills, leading to considerable concern about the real consequences of these bills and the fairness of the bills' sponsors; and

6. An analysis of the probable effects of such an amendment strongly suggests that this is intended to "divide and conquer" opponents of the bills and would probably afford Native Americans dubious protection from the long-term consequences of these bills, if enacted; and

7. The Education Committee of the Navajo Nation Council reinforces its position to oppose these bills because (1) these bills could repeal the Bilingual Education Act, thereby denying Navajo children access to bilingual education and forcing them into failed English-Only submersion programs; (2) these bills could deny limited English-

speaking Navajo elders communication with, and services from, government programs such as Social Security and all programs involving Navajo interpreters in English forums and settings, as court proceedings in State and Federal courts and elections proceedings; and (3) these bills will affect cultural value and diversity; and

8. The Education Committee of the Navajo Nation Council States its opposition to amendments intended to exclude Native Americans from the provisions of these bills based on the following grounds:

- a. That if denying government funded services to limited English-speaking Navajo children and elders is wrong, it is also wrong to deny such services to the limited English-speaking children and elders of other language groups; and
- b. It is hard to see how the government could legally repeal certain existing laws, or deny certain services, to all limited-English-speaking children and elders except Native Americans; and
- c. There can be no assurance that such amendments would in fact pass both Houses; and
- d. There can be no assurance that the broad wording of these bills will always be narrowly interpreted to exclude Native Americans; and
- e. Even if Native Americans were excluded from the bill, Native American children and elders would still receive less and poorer education and services; and
- f. Given the fates of the Nebraska and Arizona "English-Only" laws, there are serious doubts that any of these bills are constitutional.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Intergovernmental Relations Committee of the Navajo Nation Council strongly opposes the "English Only" legislation and the amendments intended to have Native Americans accept such legislation, and further urges the Navajo Nation government to make the Navajo Nation's continued opposition to the "English Only" legislation and amendments known to Congress and the public.

2. The Intergovernmental Relations Committee of the Navajo Nation Council requests the Office of the President, the Navajo Nation Washington Office, and the Division of Diné Education to communicate the Navajo Nation's continued opposition to these bills and such amendments.

3. The Intergovernmental Relations Committee of the Navajo Nation Council requests all U.S. Senators and Representatives of conscience to courageously reject these unjust, unworkable, un-American and unconstitutional bills.

#### CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Intergovernmental Relations Committee of the Navajo Nation Council at a duly called meeting at Window Rock, Navajo Nation (Arizona), at which a quorum was present and that same was passed by a vote of 7 in favor, 0 opposed and 0 abstained, this 22nd day of January, 1996.

Motion: Lawrence Morgan  
Second: Kenneth L. Begay

KELSEY A. BEGAYE, CHAIRPERSON  
*Intergovernmental Relations Committee*

Chairman STEVENS. Thank you very much.

I do want to emphasize, as my friend from Alaska here, Senator, I go to many Native villages and listen to the elders and their comments are translated to me.

As a matter of fact, at one time, Ed, I was the interpreter for some people who were from one part of Alaska, Native people, who did not understand the others.

And we have a mix of languages in our country, our State, as you do in yours. I have never viewed this bill as being offensive to that or prohibiting it, because it applies to the Federal Government's actions in terms of official activities and I want to make sure that we eliminate the interpretation that is being given to this before we attempt to mark it up and report it out.

And I am sensitive to the comments that you all have made about preserving your right to maintain your language and to en-

hance it and to encourage your children to learn your language. We have gone, you know, the ultimate mile in that, I think, in our legislation that we have passed to encourage bilingualism and to encourage the teaching.

As you know, Ed, in Alaska many non-Native children learn Native language in their courses in school, which I think is very appropriate. But I hope that you understand that the motivation behind this is that of the vision of Senator Hayakawa that if we do not pronounce now that English is the official language of the United States we could find the separatist kind of movements developing in this country that have developed and almost provide a great schism in our Nation to our south.

The Canadian Government, again, is going through another wrenching experience in the very near future and has had it time and time again. Sam Hayakawa felt that if we had English as the official language that would be one of the things we could do to prevent that type of schism developing in the United States.

But we will submit to you the amendments and get your comments. I do appreciate your coming and giving us your views.

Thank you very much.

Mr. PHILEMONOF. Thank you, Senator.

Chairman STEVENS. Our next witness is Juan Perea, Professor of Law from the University of Florida, Gainesville, and Karen Narasaki, from the National Asian-Pacific American Legal Consortium.

#### **TESTIMONY OF JUAN F. PEREA,<sup>1</sup> PROFESSOR OF LAW, UNIVERSITY OF FLORIDA, COLLEGE OF LAW, GAINESVILLE, FL**

Mr. PEREA. Thank you, Mr. Chairman.

Chairman STEVENS. We are pleased to have your testimony, and your full statement will be printed in the record. We will be pleased if you summarize the statement you gave us in any way you wish.

Mr. PEREA. Yes, thank you. Good morning, Mr. Chairman, and Senator Akaka.

Thank you very much for this opportunity to testify this morning. I would like to request that my prepared statement and also my article entitled, "Demography and Distrust" be entered into the hearing record. And the remainder of my comments will take about 4 minutes and 32 seconds.

Chairman STEVENS. Well, we have got plenty of time for that.

Mr. PEREA. OK. Let me begin.

Official English laws, such as S. 356, are contrary to fundamental principles of American liberty and equality. Historically American Nativism, majoritarian hostility directed at vulnerable ethnic groups, has manifested itself in restrictive language laws. Nativism tends to grow and to flourish at times of national stress, often in response to unwelcome immigration or war time.

Today's stress comes from perceptions of an immigration crisis and real economic duress faced by many Americans. Nativism often takes the form of seemingly neutral language regulations. Thus, the anti-immigrant sentiment of the late 19th Century found its

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<sup>1</sup>The prepared statement of Mr. Perea appears on page 175.

first legal expression in the form of literacy tests meant to exclude new immigrants presumed illiterate.

When World War I fueled intense hatred of German-American peoples, early legal responses were to restrict the use, teaching and publication of the German language. We must learn from this history that majoritarian dislike of unpopular immigrant and ethnic groups often takes the form of restrictive language laws which act as a proxy for the national origin or immigration status of unpopular minorities.

Another feature common to the Nativist movements is the desire to disenfranchise certain Americans. The bill states that its amendments are not intended in any way to discriminate against or restrict the rights of any individual in the United States. It is unmistakable, however, that S. 356 repeals portions of the Voting Rights Act and, so restricts the political participation of linguistic minority groups.

The 1975 amendments to the Voting Rights Act, which provide for bilingual ballots in certain areas, had a purpose to eliminate pervasive discrimination and access to voting against citizens who spoke languages other than English.

Congress found, "That voting discrimination against citizens of language minorities is pervasive and national in scope." Furthermore, Congress found that, "Persons of Spanish heritage are the group most severely affected by discriminatory practices, while the documentation of discriminatory practices concerning Asian-Americans, American Indians and Alaskan Natives was substantial."

It is hard to understand why Congress would deliberately deny voting rights to any group and, particularly to groups that Congress, itself, has found to be historically excluded from political participation because of language discrimination.

To attempt to repeal such significant legislation without specific mention is, at best, misleading and confusing. Proponents of S. 356 should face a very difficult time making any persuasive argument for its necessity and its legality.

Over 97 percent of Americans are proficient in English, making this legislation quite unnecessary. Given its domestic and international prestige, the English language needs no further support. This legislation's principle purpose is anti-democratic, to deny effective access to voting for some American citizens. Its scope, while entirely undefined, will operate to restrict unforeseen and necessary governmental functions, such as law enforcement, in languages other than English.

Its standing provisions will clog the already over-burdened Federal courts with challenges to even legitimate governmental uses of languages other than English. Furthermore, this legislation is probably unconstitutional under both the First Amendment and Equal Protection principles.

The question that proponents of this legislation must answer is why, after 220 successful years as a Nation without such a law, why is Official English necessary now?

This bill should meet the same fate as the first Official English proposal, John Adams' 1780 proposal that Congress establish an English language academy. Adams' proposal never emerged from

the Committee of Congress that considered it. So, too, S. 356 and like proposals should not emerge from this Committee.

Thank you.

Chairman STEVENS. Thank you, Mr. Perea.

Ms. Narasaki?

**TESTIMONY OF KAREN K. NARASAKI, EXECUTIVE DIRECTOR,  
NATIONAL ASIAN PACIFIC AMERICAN LEGAL CONSORTIUM,  
WASHINGTON, DC**

Ms. NARASAKI. Thank you, Mr. Chairman. I appreciate you inviting me to testify on behalf of the Asian Pacific American Legal Consortium.

We have numerous concerns regarding S. 356 and the other proposed English-Only laws. I have outlined these in the written testimony and am glad that you will be incorporating them into the record.

S. 356 will have a disproportionate impact on Asian Pacific Americans and all other language minorities. With almost half of our community having immigrated within the past decade, 1 in 5 Asian Pacific Americans are limited English proficient.

In the short time I have, I would like to focus on three issues. First, that it is being offered to address a non-existent problem; second, that it violates the cornerstones of our democracy; and third, that it is vastly unfair to Americans who are limited English proficient because it raises barriers to access to government participation in services and makes them more vulnerable to violations of labor, health, safety and other anti-discrimination laws.

First of all, as many speakers before me have noted, we are talking about 97 percent of the American public already speaking English well or very well. In a GAO study that has shown that, in fact, most documents are printed in English and, in fact, not in any other language.

The vast truth is that there is no evidence being presented here or in the previous hearing that English speakers are being denied services, documents, programs or participation in government on the basis of English. That there are no documents that are not available in English. Instead there is vast evidence to the contrary. Only for those who are limited English proficient, it is a daily battle to struggle to overcome the fact that almost everything, in fact, is provided only in English.

And I might add, Mr. Chairman, you have raised the issue about whether there was a law, in fact, already protecting limited English proficient speakers and I would note that the only thing that is clear right now is Title VI which is on the basis of national origin which, in fact, English speakers would be able to access as well.

We would welcome an addition that would say that no one should be denied services on the basis of not being able to speak English.

One of the underlying premises of S. 356 is that without English-Only immigrants lack sufficient incentive to learn English. However, statistics show that there are long waiting lists of people who want to learn English. In D.C., an estimated 5,000 immigrants were turned away from an ESL program in 1994, and in New York, schools have a lottery system now to determine who can be en-

rolled, and in L.A., there are waiting lists as long as 40,000 to 50,000 people who want to learn English.

Rather than helping immigrants assimilate as stated in Section 2, the bill would isolate immigrants and other limited English proficient Americans by preventing government officials and employees to effectively communicate with them. It is not clear from the bill whether, in fact, employees will be able to use translators or translated materials. In fact, there are many things in the bill that seem to imply that that would not be legal.

The problem really for immigrants is one of lack of resources to meet the demand for English-as-second language classes. Congress could easily solve this problem. Because S. 356 will actually make the government less efficient, any promises already contained in the bill to use savings from English-Only for English classes is, unfortunately, an empty one.

Also English-Only laws violate constitutional rights. Section 2(a)(8) says the use of a single common language will promote efficiency and fairness to all people. In fact, it does neither. Prohibiting translation would compromise due process and equal protection in our courts. I would note that the exception in Section 3 is limited only to actions protecting the rights of victims of crimes or criminal defendants. It does not protect parties in civil actions or other non-criminal actions like administrative proceedings.

Cases involving parties or witnesses that will require translators would be far less likely to be fairly adjudicated. In fact, several studies of State courts have found that to be true. Limited English proficient Americans would be unable to get a fair hearing of contract disputes, or disputes with the IRS or other agencies simply because they or their witnesses are limited English proficient.

Also, those who are victims of employment discrimination or health and safety or labor violations already face many barriers to enforcing their rights, and would be even more vulnerable to those unscrupulous employers who would seek to exploit their work force to gain an unfair advantage over their other competitors.

English-Only laws also violate the First Amendment. As the Ninth Circuit held en banc, in *Yniguez v. Arizonans for Official English*, such a law violates the First Amendment right to free speech for government employees and for elected officials and impinge on the rights of Americans to give and receive communications to and from their government. Moreover, it would add a pervasive new layer of regulation to the millions of communications that take place every day between Americans and their government.

Who would, in fact, be enforcing this law? What new agency would be required to decide what is English, what is exempt, and what is an official government proceeding?

As was noted before, English-Only would also disenfranchise voters. Section 203 of the Voting Rights Act have proven to be an effective way to include more Hispanic, Asian and Native Americans in our democratic process.

Bilingual assistance has been particularly important to the Asian community. We found, in New York in November 1994, that 31 percent of the Chinese-American voters polled and 14 percent of

the Chinese-Americans polled in San Francisco indicated that they had used election materials translated into Chinese.

These are individuals who believe in America and want to participate in the democratic process but cannot effectively do that without assistance. What government end does it serve to deny these people their ability to effectively participate in our democracy?

Finally, English-Only would foster frivolous and divisive litigation. Section 3 gives citizens the right to sue one another if the new Federal preference is violated for such relief as may be considered appropriate. Our Federal courts would be clogged with cases where parties would be arguing over the use of a word or a phrase that may or may not be considered English, that may or may not have been used in an official communication, that may or may not have been exempt.

English-Only laws would, thus, impair the government's ability to provide important services to all Americans. Immigrants, limited English proficient minorities work and pay taxes and they are subject to the draft. Yet, S. 356 would make it impossible for them to obtain government services which their tax dollars are, in fact, supporting.

Moreover, better communication makes the provision of services more efficient for the government. The State of Arizona, in its own case in trying to defend its English-Only law, had to admit that, in fact, the use of Spanish in the case of the plaintiff made the government services more efficient.

In areas such as health care and public safety, language barriers are one of the greatest problems. Limited English proficient persons cannot report crimes or assist law enforcement agencies or prosecutors if there are no translators to assist them. Agencies such as the Department of Justice, the Housing and Urban Development and the FBI may not be able to effectively educate communities as to their rights or as to special programs that may be important not only to their safety but to the safety of all Americans.

Also, S. 356 appears to implicitly either abolish or amend the Bilingual Education Act and I look forward to seeing what kind of effort you will make to try to fix that problem.

One thing that I would like to note is that despite the current apparent popularity of English-Only there have been many things in our country that have appeared to be popular—the interment of Japanese-Americans during World War II being one of them. I am the daughter of parents who were both interned, both American-born citizens and I know that Mr. Chairman was very supportive of the Civil Liberties Act that brought a lot of mental solace to both my parents.

I would like to point out, with no disrespect intended, that Senator Hayakawa, whatever ideas he may have in this area, is still, in fact, an anathema to my community because he told them, as a Canadian-born Japanese, that, in fact, the internment was one of the best things that ever happened to the Japanese in America.

In conclusion, I would like to say that Section 2(a) of S. 356 argues that English-Only is necessary to prevent division along linguistic lines. In fact, it promotes division and is racially divisive, since it disproportionately impacts on racial and ethnic minorities.

It violates the cornerstone of our Constitution of freedom of speech and equal protection and it is antithetical to the public welfare of our country. It seeks to punish minorities by withholding vital public services, such as education, health care, law enforcement protection and public safety.

And it will do nothing to help immigrants learn English or ease their integration into society.

It will send, in fact, the message that they do not belong and will legitimize and institutionalize discrimination against them.

America is a Nation of immigrants. What has built this Nation and what will continue to build this Nation is a shared commitment to her ideals of freedom, justice and equality, not government-imposed languages. We need to increase communication, not to restrict it.

And I just want to give one example. In a middle school in Fairfax County, they initiated a special outreach program for immigrant families. They provided translators for parents, special parents day. A Southeast Asian father said he appreciated the effort and said, without a translator I could not have come, it would have just been too uncomfortable. A Pakistani father said that the multilingual information program gave him and his wife the feeling that we belong. And is that not what a stronger America can be built on?

The debate over English-Only to me is nothing less than a debate over the future of our Nation. Do we want to continue to strive to be an inclusive nation, proud of its diversity, and well situated to compete in the global economy? Or do we want to be a monolingual nation that does not value other languages—a country where English speakers seek to punish those not yet fluent in English by denying them their rights and their ability to communicate with their government officials.

I hope that the former will be the truth.

Thank you.

[The prepared testimony of Ms. Narasaki follows:

#### PREPARED STATEMENT OF KAREN K. NARASAKI

Mr. Chairman, thank you for inviting me to testify on behalf of the National Asian Pacific American Legal Consortium. The Consortium is a nonprofit organization whose mission is to advance and protect the legal and civil rights of Asian Pacific Americans across the country. English-Only policies are of particular concern to the Consortium because of the large percentage of limited English proficient (LEP) immigrants in the Asian Pacific American community and the long history of racially discriminatory treatment of Asian immigrants by our country's laws. The "Language of Government Act of 1995," S. 356, will have a disproportionate impact on Asian Pacific Americans, Latinos, Pacific Islanders and other indigenous peoples, and other-language minorities.

The Consortium has several concerns regarding the "Language of Government Act of 1995" (hereinafter, "the Act") and other proposed English-Only laws. First, these proposals are being offered to address a nonexistent problem. Second, these are not benign proposals, but violate several cornerstones of our democracy, the First Amendment right to free speech, the Fifth and Fourteenth Amendment right to equal protection and due process under our laws, and the right to vote. Third, by sending a message of intolerance and by raising barriers to access to government services and to communications between the government and its people, they create public health and public safety issues, as well as threaten the education of our children and the economic growth of our Nation. Fourth, the proposals have a discriminatory impact and, if passed, will join a long-line of institutionalized discrimination on the basis of national origin. Finally, these proposals send a message of intolerance despite the fact that their stated purpose is to "preserve unity in diversity."

## I. ENGLISH-ONLY ADDRESSES A NONEXISTENT PROBLEM

Many supporters of English-Only laws or Official-English laws appear to believe that somehow the English language is under siege. Section 2(a) of the Act argues that English-Only is necessary to "prevent division along linguistic lines." There is no basis for this belief. According to the 1990 U.S. Census, only 8.7 percent of the country's population is foreign born and approximately 97 percent of Americans speak English "well" or "very well." A recent General Accounting Office study ordered by supporters of the Act surveyed more than 400,000 documents produced by the Federal Government in the past 5 years. Only 265 were printed in languages other than English. That is not even one-tenth of one percent of the Federal documents produced. 217 were in Spanish which is not surprising given the 3.6 million American citizens of Puerto Rico who speak Spanish as their first language.

A major underlying premise of the Act is that without English-Only, immigrants lack sufficient incentive to learn English. However, the problem is not that immigrants do not want to learn English. Even supporters of the Act, such as U.S.ENGLISH, acknowledge that "immigrants want and need to learn English."<sup>1</sup> Indeed, statistics show that there are long waiting lists of people who want to study English. In Washington, D.C., an estimated 5,000 immigrants were turned away from English as a Second Language classes in the 1994 school year. In New York, the schools have had to resort to a lottery system to decide enrollment in English classes. In Los Angeles, there are waiting lists as long as 40,000 to 50,000 waiting to enroll in English classes. Clearly, there is no need for any additional punitive "incentive" to encourage immigrants to learn English.

Section 2(a)(6) of the Act states that its purpose is "to help immigrants better assimilate. . . ." Yet a recent study by a University of Southern California demographer, Dowell Myers, found that "immigrants do not remain unassimilated and unchanged. The speed of immigrants' upward mobility is striking—reflecting their rapid incorporation into the American economy and society."<sup>2</sup>

Rather than helping immigrants assimilate the Act would isolate immigrants by preventing effective communications between government officials and employees, and the people they are supposed to serve. Moreover, the Act ignores reality. While immigrants are waiting to be accepted into an English class or even while they are in the process of learning English, it is harmful to both them and the government to bar effective communication. Some immigrants, particularly those who are elderly, may not be able to learn sufficient English to ever feel completely comfortable with English. The Act would institutionalize discrimination against them by ensuring that they will not have effective access to government services or information.

Section 2(a)(7) of the Act also denigrates the contributions that limited-English proficient Americans do make to the United States. Immigrants, with or without fluency in English, are "productive workers in the United States." Throughout this country, they provide back breaking labor or contribute scientific knowledge without being fluent in English. It is statements such as the one contained in that Section that are used to discriminate against immigrants. Immigrants who are limited-English-proficient are responsible and are productive Americans.

The problem, to the extent one exists, is one of a lack of resources to meet the demand for English as a Second Language classes. Congress should focus on increasing resources for English classes rather than on punishing those who already understand the value of learning English. If this Congress wants to assist immigrants, they should support funding for community colleges and community organizations who provide funding for English as a Second Language courses and not slash funding for bilingual education.

## II. ENGLISH-ONLY LAWS VIOLATE CONSTITUTIONAL RIGHTS

The most dangerous misstatement of the Act is in Section 2(a)(8) which says, "the use of a single common language in, the conduct of the Federal Government's official business will promote efficiency and fairness to all people." In fact, it does not promote fairness (or efficiency) and is likely to be unconstitutional for that reason. The Supreme Court in *Meyer v. Nebraska*<sup>3</sup> stated that:

The protection of the Constitution extends to all, to those who speak other languages as well as those born with English on the tongue. Perhaps it would be highly advantageous if all had ready understanding of our ordinary speech, but this cannot be coerced by methods which conflict with the Constitution—a desirable end cannot be promoted by prohibited means.

### A. Prohibiting Translation Compromises Due Process

The terms of the Act are sweeping. America's judicial process would be seriously compromised by this legislation. U.S.ENGLISH, a major proponent of this bill, claims that "official government business" would include all public documents, records, legislation and regulations, as well as hearings, official ceremonies and public meetings. Section 3 of the Act creates an exception for "actions that protect the rights of victims of crimes or criminal defendants." While this exception is vague, it certainly does not protect litigants in civil actions or other participants in the judicial system.

Government must be permitted or even required to provide certified translators for criminal and family court cases. Reliance on volunteer translators can result in judicial procedures that fail to provide due process or equal protection. A 1994 Virginia State Supreme Court study cited several incidents when an improper translation seriously affected a trial's outcome. It concluded that there is a "widespread breakdown in due process and equal protection for non-English speaking litigants who appear before the courts."<sup>4</sup> A court administrator for a Maryland court said that poor translation during a trial can mean excessive jail time or fines for non-English speaking defendants.<sup>5</sup>

The Massachusetts Commission to Study Racial and Ethnic Bias in the Courts found that non-English speaking parents are more likely to lose the custody of their children when interpreter services are unavailable in the early stages of a care and protection proceeding. The study also found that non-English speaking participants in the legal system obtain fewer restraining orders in domestic violence cases. Moreover, because restraining order forms are only in English, victims of domestic violence often were unable to obtain them unless they could find a volunteer interpreter.<sup>6</sup> At public hearings, people told the Commission that judges had actually asked defendant husbands to act as interpreters for their battered wives.

In civil trials involving a litigant or witness that does not fluently speak English, the litigant not needing any translators to put forward his side of the case would have an unfair advantage if the courts were required to ban translators from civil actions. LEP Americans would be unable to vindicate contract disputes, tax disputes with the IRS or protect themselves as landlords or tenants. LEP victims of employment discrimination or health, safety or labor violations, already face barriers to defending their rights. Many lack knowledge of their rights, yet agencies seeking to ensure enforcement of these laws would be barred from providing effective education materials. The few who seek to exercise their rights will find the language barriers insurmountable. Workers would be prey to those unscrupulous employers who seek to exploit their workforce to gain an unfair advantage over their competitors.

### B. English-Only Laws Violate the First Amendment

The Act is an attempt to add a pervasive new regulation to the millions of communications that take place every day between Americans and their government. English-Only laws violate the First Amendment right to free speech for government employees and for elected officials, and impinge on the rights of Americans to give and receive communications to their government.

For these reasons, the Ninth Circuit, *en banc*, held that an Arizona English-Only law with similar features as to the various proposed legislation in Congress, "was not a valid regulation of the speech of public employees and is unconstitutionally over broad. By prohibiting public employees from using non-English languages in performing their duties, the article unduly burdens their speech rights as well as the speech interests of a portion of the populace it serves. The article similarly burdens the First Amendment rights of State and local officials and officers in the executive, legislative and judicial branches."<sup>7</sup>

As Judge Brunetti noted in his concurrence in *Yniguez v. Arizonans for Official English*, "By restricting the free communication of ideas between elected officials and the people they serve, [Arizona's English-Only law] threatens the very survival of our democracy." He added, "The First Amendment precludes a successful electoral majority from restricting political communications with a certain segment of the electorate."<sup>8</sup>

### C. English-Only Laws Disenfranchise Voters

In addition to disenfranchising voters by creating barriers to the ability of elected officials to communicate with, or assist their constituents, the Act appears to repeal Section 203 of the Voting Rights Act which requires jurisdictions with Hispanic, Asian or Native American populations meeting a threshold requirement to provide language assistance in voting, from registration through voter education and the voting booth. In reauthorizing and broadening Section 203 in 1992 with bipartisan support and the support of President Bush, Congress acknowledged the need to en-

sure the importance of language assistance to providing Hispanic, Asian and Native American citizens with an effective vote.

Affiliates of the Consortium have monitored voting practices in New York, San Francisco and Los Angeles. Bilingual assistance is extremely important to ensuring the full participation of Asian Pacific American voters. Many elections cover complex subjects that even native born English speakers find difficult to understand. Many voters depend on ethnic newspapers for information about a candidate's position on issues of particular interest to the ethnic community. Papers in non-Latin-based languages are likely to have translated the candidate's name. Negotiating one's way through a polling place and through ballot instructions involves vocabulary not used in everyday communications.

In the November 1994 elections, 31 percent of the Chinese American voters polled in New York City and 14 percent of the Chinese American voters polled in San Francisco indicated they used election materials translated into Chinese. These are individuals who want to participate in the democratic process, but who might not be able to do so if English-Only becomes the law of the land.

### III. ENGLISH-ONLY LAWS CREATE UNWISE PUBLIC POLICY

The issue is whether government should try to prohibit the use of other languages to the detriment of other American values such as due process, equal treatment, effective and efficient delivery of services, health care, education and public safety.

The Act states that the U.S. Government shall conduct its official business in English. The Act defines the term "official business" as "those governmental actions, documents, or policies which are enforceable with the full weight and authority of the government."<sup>9</sup> However, there is no clear distinction between official and unofficial business.

#### *A. Policing English-Only is Expensive and Unenforceable*

Another potential problem is policing the use of English. What is an English word? In a recently published commentary in the *U.S. News & World Report*, the author described the English language as a 'glorious mongrel.' The English language is an immense amalgamation of words adopted from over fifty languages. Three out of four words in the dictionary are foreign born. The English language is ever developing. Americans are forever taking foreign words and making them our own. The absurdity of such laws are seen in the fact that the Act might require the U.S. Mint to remove the Latin mottos, *E Pluribus Unum*, and *Novus Ordo Seclorum* from the one dollar bill. Who will be the official government arbiter of what is an English term or excepted non-English "terms of art"? An enormous government apparatus would be needed to enforce these laws.

In addition to new government agencies needed to enforce the new law, the Act would foster frivolous litigation. Section 3 of the Act gives citizens the right to sue one another if the new Federal "preference" for English is violated for "such relief as may be considered appropriate by the courts." One can only imagine the divisiveness and invasion of privacy that this "bounty hunter" provision would engender. Our Federal courts would be clogged with cases where parties would be arguing over the use of a word or phrase that may or may not be English, that may or may not have been used in an "official" communication, and that may or may not have been exempted. This provision would promote societal divisions rather than bridge them.

One has only to observe the French government's futile attempts to prevent English words from entering usage by the French to understand why government should not be in the business of legislating language.

#### *B. English-Only Laws Impair the Government's Ability to Provide Important Services to Taxpaying Americans*

The Act states that the bill "will promote efficiency and fairness to all people," but prohibiting language assistance by government employees would actually further limit the delivery of government services to many Americans not proficient in English who, because of language barriers, may not be aware of either social services or their right to seek such services. In fact, providing translated information generally promotes more efficient and effective communications. *Yniquez v. Arizoneans for Official English*, the State of Arizona admitted that a government employee's use of Spanish in her duties contributed to the efficient and effective administration of the State.<sup>10</sup>

##### 1. Health Care

With almost half of the Asian Pacific American community having immigrated within the past decade, one in five Asian Pacific Americans are limited-English-pro-

ficient. For these persons, language becomes a formidable barrier to accessing and receiving health and safety information and health care services.<sup>11</sup> It is unclear how far the exemption for actions or documents that protect public health in Section 3 of the Act goes in covering the health of individual Americans as opposed to the health of the general public. For example, would Medicaid and Medicare be covered so that agencies could not seek to communicate important information to all Americans covered by those programs?

Certainly, anti-immigrant forces will argue that there is a distinction. In current welfare reform debates, Congress has sought to narrowly restrict the concept of public health to immunizations against infectious diseases. Prohibiting public hospitals and community clinics from providing information and forms in other languages would have terrible consequences for the health and safety of many Asian Pacific American families.

If the exemption is narrowly interpreted, Asian Pacific Americans who have limited English skills will not have access to preventative services and will be turned away from public hospitals. Lack of accurate communication between physician and patient may result in misdiagnoses, unnecessary and expensive tests, and delayed second class care. One study found that language differences caused treatment to take 25-50 percent longer than treatment for English-speaking patients.<sup>12</sup> Such delays may have serious, even fatal consequences. According to the statement by Dennis P. Andrulis, Ph.D., one physician bluntly stated, "I've seen patients die because of the inability to communicate their problem to their provider."

A study on interpretation and translation services released in March 1995, revealed that over one in ten U.S. teaching hospital patients face significant challenges in communicating care needs to their provider as a result of language barriers or hearing impairment. However, while the use of professional interpreters is common in international business and diplomacy, professional interpreters are rarely available in health care.<sup>13</sup> What the system requires is more, not less, assistance.

Lack of trained translator services has resulted in malpractice. When LEP persons are forced to rely upon untrained interpreters and family members, they often avoid seeking care when it might involve embarrassing disclosures. For example, a mother may not want to talk about female problems in front of a male neighbor or a young son. Inaccurate translations result in inappropriate care and failure to understand the health care options that are available to them.<sup>14</sup>

There was a case in Chicago when a woman complained of severe abdominal pains after prematurely delivering her son. The doctor understood a little Spanish and told her that the pains were normal and ordered aspirin and orange juice for her. The next morning, she died of a brain hemorrhage.<sup>15</sup> In another case, a patient had undergone kidney surgery, but did not know whether the entire kidney or part of it had been removed. She continued to go back for follow-up visits and took eleven medications, not knowing what they were for. Only when a community health center worker called the hospital to investigate, did she learn that her entire right kidney had been removed due to complications of TB and the follow-up visits and medications were unnecessary.<sup>16</sup>

Existing bilingual services are effective in providing Asian Pacific Americans with adequate health care. In Miami, Jackson Memorial Hospital provides comprehensive and sensitive interpretation services to meet the needs of the multi-ethnic population of Miami. Since its existence, several hundred thousand non-English-speaking patients have been served. Bilingual health classes are very important in educating people about prevention of transmittable diseases such as AIDS. Without bilingual education health programs, there would be more disease spread and the overall health and safety of Americans would be affected.

## 2. Public Safety

The Act contains no exemption for public safety. There are many 911 emergency assistance programs that provide translation services through AT&T Language Line. Without translators, many Asian Pacific Americans and other minorities would not be able to get 911 emergency assistance; a service their taxes support and a service vital to public safety.

Moreover, access to law enforcement and protection would be effectively eliminated if government employees and agencies are prohibited from communicating to the Asian Pacific American community in their native languages. Language barriers are one of the greater barriers to effective law enforcement in immigrant communities. LEP persons cannot report crimes or assist the police or prosecutors if there are no translators to aid them. In an area such as Los Angeles where there are an overwhelming number of Asian Pacific Americans, if officers cannot use their language skills or use qualified interpreters, some gangs and organized crime cannot be infiltrated and eliminated. Murders, robberies, rapes and domestic violence will

go unreported or unprosecuted. If these crimes are not reported and prosecuted, then the public safety of the entire community will be endangered.

On a Federal level, agencies such as the Department of Justice, the Housing and Urban Development and the Federal Bureau of Investigation may not be able to effectively educate communities as to their rights or as to special programs that might be important to their overall safety.

In some States with English-Only statutes, people are led to believe that because an English-Only law exists, they are permitted and even required to impose English-Only rules at work, including restricting conversations at work and lunchtime, in administrative settings, and other settings.<sup>17</sup> Some people may also use the statute, however well-intentioned, for further discrimination. The Act, by promoting intolerance of any language that is not English, will in fact create public safety problems. The Consortium found in its Annual Audit of Anti-Asian Violence, a 35 percent increase in anti-Asian violence incidents in 1994 because government officials legitimized the anti-immigrant sentiment being whipped up by proponents of Proposition 187 in California.

### 3. Education

The Act appears to implicitly either abolish or amend the Bilingual Education Act. The BEA provides Congressional funds for a variety of State and local bilingual educational programs. The BEA came about as a result of the 1974 Supreme Court decision of *Lau v. Nichols* in which the Court declared that all students have the right to an equal educational opportunity. In other words, non-English speaking immigrant students have the same right to a meaningful education as English-speaking students. Furthermore, failing to provide language assistance may constitute a violation of Title VI of the Civil Rights Act and regulations implementing it.

Bilingual education is not about instilling ethnic pride or creating ethnic separatism. Bilingual education is a method of teaching English to language minority children while they continue to learn other subjects in their native tongue. There are studies that show students who become proficient in their native language actually do better in a variety of other subjects and even make the transition to English more easily.

Enactment of any of the proposed measures would jeopardize the education of Asian Pacific Americans. Although a survey in 1980 identified over 450 Asian bilingual education programs throughout the Nation, they appear to be underfinanced and are often fragmented and uncoordinated.<sup>18</sup> If bilingual education were to be eliminated or to become illegal, teachers would be unable to teach or communicate with many of their students. Furthermore, English-Only laws would prohibit teachers and school administrators from speaking with the students' parents to discuss problems or to encourage parents' school involvement. A Montgomery County Maryland school official has stated, "If parents are involved and they know what's going on, their kids do much better."<sup>19</sup> In a time where there are studies to show how important parent involvement is for the future well-being of our children, English-Only laws would promote just the opposite.

A middle school in Fairfax County Virginia initiated a special outreach effort for immigrant families. A Southeast Asian father appreciated the effort and said, "Without a translator, I couldn't come. It's too uncomfortable." A Pakistani father said that the multilingual information program gave him and his wife the feeling that "we belong."<sup>20</sup>

### 4. English-Only Laws Compromise America's Economic Future

As the economy becomes increasingly global, America should be encouraging its people to learn more languages and not penalizing those who do. English has become an international language of commerce, but it is not the only language needed in order to be competitive in today's world.

## IV. HISTORY OF ANTI-ASIAN IMMIGRANT LAWS

It is no secret that the history of this country's immigration laws has been fraught with racial bias. The Chinese Exclusion Act of 1882 which prohibited the immigration of Chinese laborers, epitomizes this country's particularly infamous record on immigration from Asia.<sup>21</sup> Over the next 50 years, anti-Asian sentiment resulted in several other laws which all but ended immigration from Asian and Pacific Island countries. These laws include the Gentleman's Agreement with Japan limiting Japanese immigration;<sup>22</sup> the Immigration Act of 1917 which banned immigration from almost all countries in the Asia-Pacific region;<sup>23</sup> the Quota Law of 1921 which limited the annual immigration of a given nationality to three percent of the number of such persons residing in the U.S. as of 1910;<sup>24</sup> the National Origins Act of 1924 which banned immigration of persons who were ineligible for citizenship;<sup>25</sup> and, a

decade later, the Tydings-McDuffie Act of 1934 which placed a quota of 50 Filipino immigrants per year.

It has been just one generation since the Chinese Exclusion Act and its progeny were repealed in 1943.<sup>26</sup> The intensity of the discrimination against immigrants from Asia is reflected in the fact that they were not allowed to become naturalized citizens for over 160 years. A 1790 law allowed only "free white persons" to become citizens. Even after the law was changed to include African Americans, similar legislation to include Asian Americans was rejected.<sup>27</sup> The Supreme Court upheld the laws making Asian immigrants ineligible for citizenship.<sup>28</sup> The last of these laws were not repealed until 1952.<sup>29</sup>

Asian immigrants who managed to enter the U.S. became the victims of other forms of discrimination. As early as the 1850's, States enacted various laws which targeted Asians by taking advantage of the discriminatory nature of naturalization laws. California imposed a "foreign miner's tax" which imposed a tax on any non-citizen miner.<sup>30</sup> As intended, virtually all of the \$1.5 million collected under the "foreign miner's tax" came from Chinese miners.

The California Alien Land Law Act of 1913 is another striking example. This law was primarily directed at Japanese immigrant farmers and prohibited persons ineligible for citizenship to purchase land and obtain long term leases or crop contracts. Twelve other States adopted similar laws, the last being Utah, Arkansas and Wyoming in the 1940s. The last law was not repealed until 1962.<sup>31</sup>

Similarly, in 1922, the Supreme Court upheld a law that aliens ineligible for citizenship cannot form corporations,<sup>32</sup> and in 1945 California enacted legislation denying commercial fishing licenses to persons ineligible for citizenship.<sup>33</sup> At the time, Asians were the only racial group ineligible for citizenship.

Education is also an area in which Asian Pacific Americans have been historically discriminated against. In 1860, California barred Asian Pacific Americans from attending its public schools entirely. After the California Supreme Court ruled that this was unconstitutional, the State set up a system of "oriental" schools and the California Supreme Court upheld the constitutionality of "separate but equal" schools for Asian Pacific American students in 1906. In 1927, the U.S. Supreme Court upheld the exclusion by Mississippi of Asian American students from white schools.<sup>34</sup>

In the early 1970's frustrated Chinese American parents brought a class action suit against San Francisco Unified School District, alleging that unequal educational opportunities resulted from the District's failure to establish a program to address the limited English proficiency of students of Asian ancestry. In *Lau v. Nichols*, the Supreme Court ruled that the District's failure to provide English language instruction was a violation of the Civil Rights Act of 1964.

Many proponents are fond of citing polls noting the popularity of some of these English-Only proposals and note with pride the fact that 22 States have adopted some version of English as an Official Language laws. This was also true of the many discriminatory laws that our country has since condemned and repealed as immoral and antithetical to the highest values we hold. Would we today applaud the reintroduction of the Alien Land Laws? Or the internment of Japanese Americans during World War II which was popular in its day? A California newspaper during that time asked its readers how many would support the deportation of American born citizens of Japanese ancestry. An overwhelming majority supported that proposal, yet this Congress has since apologized for the actions taken against Japanese Americans and noted it happened because of a failure of leadership. Congress should not permit another such failure of leadership.

#### IV. OTHER CONCERNS

The Consortium believes that the proposed legislation is racially divisive. For example, during the debate over an English-Only sign ordinance in Monterey Park, the public meetings generated discussion rife with racism and bigotry. The debate split the community even though only 13 of 1,000 businesses in Monterey had no English on their signs.

Public officials who encourage the politics of division legitimize acts of hate violence. The debate over Proposition 187 led to increased incidents. In the Consortium's anti-Asian violence audit report for last year, we found an all too common theme running through the incidents. For example:

- An Asian American man was stabbed by a white man in Sacramento, California. The attacker explained that he was acting "to defend our country."
- A White man attacked an Asian American man with a bat while yelling, "You're in my country—Get out!" "Go back to your country, this is America."

- An Indian American student in Pennsylvania was assaulted by a group of white youths who were yelling "Go home, f---ing Iranian, you f---ing Asian sh-t, go home foreigner."

As this debate moves forward, it is important that the Subcommittee exercises its leadership in ensuring that the discussion remains on the principles involved and that their statements do not, however inadvertently, add to the xenophobia and bigotry that has already begun to take their toll.

#### CONCLUSION

English-Only and English as the "official" language laws are divisive and are an unnecessary solution to a nonexistent problem. Moreover, they violate First Amendment rights, as well as rights to due process and equal protection under the Fifth and Fourteenth Amendments. Finally, they are antithetical to the public welfare of our country. They seek to punish Americans not fluent in English by effectively withholding vital public services such as education, health care, law enforcement protection and public safety warnings. These laws will have a disproportionate impact on Asian and Latinos who have made up 80 percent of the immigration stream over the past two decades.

Proponents of these laws who sincerely want to ensure the increase in the ability of our newest Americans to speak English would do better to invest in providing funding for English classes.

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12. Yolanda Vera and Jane Perkins, *No Hablo Ingles: Ensuring Linguistically Appropriate Health Care*, National Health Law Program, p. 27 (January 23, 1995).
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14. Yolanda Vera and Jane Perkins, p. 27.
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16. Talking Points on Health Care and Language Access, Asian Pacific American Legal Center of Southern California.
17. *Id.*
18. H. Kim, Ed., *Dictionary of Asian American History, Asian Americans and American Education* by B. Suzuki, p. 81 (1986).
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21. Civil Rights Issues Facing Asian Americans in the 1990s, U.S. Commission on Civil Rights, p. 7 (1992).
22. U.S. Dept. of State, *Paper Relating to the Foreign Relations of the United States 1924* (1939), Vol. 2, p. 339. See Higham, *American Immigration Policy in Historical Perspective*, 21 Law and Contemp. Probls. 213, 227 (1956).
23. Act of Feb. 5, 1917, 39 Stat. 874.
24. This quota limited non-European immigration. For example, Great Britain with two percent of the world's population had 43 percent of the quota. National Lawyers Guild, *Immigration Law and Defense*, pp. 2-4.

25. At the time, only immigrants from Asia were ineligible for citizenship solely on the basis of race. See *Ozawa v. U.S.* 260 U.S. 178 (1922).
26. Ch. 344, 57 Stat. 600 (1943).
27. P. Chew, William and Mary Law Review, *Asian Americans: The "Reticent" Minority and Their Paradoxes*, p. 13 (1995).
28. See *Ozawa v. U.S.*, 260 U.S. 178 (1922); *U.S. v. Bhagat Singh Thind*, 261 U.S. 197 (1923); and *In re Ah Yup*, 1 F. Cas. 223 (Cir. Ct. D. Cal. 1878).
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30. S. Chan, *Asian Americans—An Interpretive History*, p. 46 (1991).
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32. *Yamashita v. Hinkle*, 260 U.S. 199 (1922).
33. See *Takahashi v. Fish & Game Comm'n*, 334 U.S. 410 (1948).
34. Civil Rights Issues Facing Asian Americans in the 1990s, U.S. Commission on Civil Rights, p. 9. See *Gong Lum v. Rice* 275 Y.S. 78 (1927).

**Chairman STEVENS.** We do not have the time to argue with you but many of your interpretations are unfounded. I see nothing in this bill to prohibit interpreters in court or people participating with non-English-speaking parents to help them understand what their children are going through who are going to schools that teach in English. I do not find that.

**Senator Akaka?**

**Senator AKAKA.** Thank you very much, Mr. Chairman.

I have a question for Ms. Narasaki. You, in your statement, recalled Section 163 about using English-Only, and I wondered whether you had or were aware of any examples of people who were denied services or information because they spoke English?

**Ms. NARASAKI.** Because they spoke English?

**Senator AKAKA.** Yes.

**Ms. NARASAKI.** No. In fact, I found it interesting that at the hearing before, not a single one of the witnesses was able to bring up an example either.

**Senator AKAKA.** I congratulate both of you on the legal and historical perspective that you brought in your testimony here. This question is to both of you. Section 164 would allow people to sue in Federal Court for alleged violations of S. 356. I have been told that someone could sue the Federal Government if he or she did not like even an accent (this may not be true), but is there any way to measure how much additional caseload this would create in Federal Courts or how much this would cost the Federal Government?

**Mr. PEREA.** If I could respond first?

**Senator AKAKA.** All right.

**Mr. PEREA.** One of the problems with this legislation is that it is completely unforeseeable how much mischief will be caused in the Federal Courts. I mean currently the Federal Courts, it is well recognized, I think, are overburdened managing the war on crime and the war on drugs. And it is remarkable to me that now, if this legislation is adopted, that it will initiate a war on languages also to be conducted through the Federal Courts.

It is astonishing to me that every person, any person in the United States can be granted standing to bring a lawsuit to presumably enjoin the use of any other language, somebody gets angry at the Postal Service worker who speaks in a different language, possibly bring a lawsuit to enjoin that person. It is staggering to consider given the quite frequent and persistent pattern of hostility that the presence of other languages seems to elicit.

So, I know no way of estimating it. I am sure that it will cause great, great mischief and for what end is the question I must ask?

Senator AKAKA. In your testimony, Dr. Pereira, you did mention the Founding Fathers. Could you summarize, because you have mentioned it, the Founding Father's views regarding language standardization or official language?

Mr. PEREIRA. Yes. I would be happy to. Thomas Jefferson was quite a strong advocate of multilingualism. And encouraged many of his students and people he mentored, encouraged them to develop facility in other languages as a way of having access to knowledge that was available in the world at a very early time in our Nation's development.

I would say that a similar purpose is still valuable today. The idea that other languages are actually an asset, a way of communicating with the world that can be developed and I think Jefferson's sense was that knowledge of other languages was an asset.

Benjamin Rush, who signed the Declaration of Independence, in 1787 founded the German College in Lancaster, Pennsylvania which was a bilingual German-English college. At the time, Pennsylvania was over one-third German-speaking. And the reason the college was founded was that in Rush's view it was only through a bilingual college—and this is one of the first well-documented examples of bilingual education, dating back to 1787—in his view, the only way that German-speakers could be taught English consistent with their liberty—and I underline that language—consistent with their liberty was to have a bilingual institution in both German and English.

Now, the last example that I would like to cite is Chief Justice Marshall who, in his capacity as a private citizen, corresponded with the fledgling Academy of Language of Belles Lettres which was attempted to be established around the 1820s. It was a collection of American intellectuals at the time, including Jefferson, and Adams and Chief Justice Marshall, John Jay and other prominent Americans of the time.

And Jefferson resisted the aims of the Academy which were to standardize the English language. He ridiculed the Academy. He thought that it was ridiculous that one could attempt to freeze the state of the language at one point, and he said it is a good thing we did not do this in the days of our Anglo-Saxon ancestors because then we would no language with which to deal with science. There would be no development in the language.

And Chief Justice Marshall's objection, I think, is very persuasive for our present purposes here today because he saw no necessity for a private academy of language to standardize the language. He felt that the unique nature of American democracy, the interaction between different social classes and the intermingling of people would, over time, act to establish linguistic uniformity.

And after roughly 200 year's of experience, it seems that he was right because we have virtually complete linguistic uniformity measured by that 97 percent of Americans who are proficient in English and it has all been done—it is so important to recognize that we have 97 percent of Americans speaking English and 99, over 99 percent of Federal documents published in English, all in the absence of any Federal Official English law.

This is all the result of society operating in its ways. So, I think Chief Justice Marshall was right on the mark when he understood that the intermingling of people, coupled with the early dominance of English in the country has led to the current unquestioned dominance of English in the Nation.

Senator AKAKA. Dr. Perea—and this is my last question, Mr. Chairman—as has been noted, the Federal Appellate Court has struck down an Official English law passed by Arizona as unconstitutional.

Mr. PEREA. Yes.

Senator AKAKA. In your opinion, is S. 356 unconstitutional?

Mr. PEREA. Yes. In my opinion it is unconstitutional. As the court, in *Yniguez v. Arizonans for Official English*, recognized, legislation like this has a chilling effect on every bilingual person who might otherwise want to speak in a language other than English. And will have that same chilling effect on every Federal employee, every bilingual Federal employee who might otherwise find it efficient to speak in a language other than English.

So there is, it seems to me, a recognized violation of the First Amendment, both from the point of view of other language speakers who might speak a different language, and from the point of view of persons who would like to receive information and need to receive information in languages other than English. The court recognized both as infringing the First Amendment.

I also believe that there is an important injury that occurs under equal protection principles. This legislation, in essence, gives governmental sanction to an ethnic trait of the majority of the population, the English language. And in the same stroke that it might accomplish that, it renders unofficial and second-class every other American language that exists. And in the same way that governmental actions to promote religion might violate the establishment clause, I feel that governmental sanction and promotion of particular ethnic traits also violates equal protection principles.

It creates inequality by its very nature. And so I believe it is unconstitutional.

Senator AKAKA. Mr. Chairman, I believe that Ms. Narasaki and Dr. Perea have said that the bill could repeal the Voting Rights Act requirements that election materials be printed in other languages. And there seems to be some question whether the bill needs an exemption for the Voting Rights Act requirements. I know the Chairman, as he has mentioned, has some amendments that he would like to offer to this bill. From what I said there seems to be some question about whether the bill contains an exemption for the Voting Rights Act requirements, I would like to ask the Chairman whether he has any response to that?

Chairman STEVENS. Well, Senator, we are running over-time already as far as my schedule is concerned. But we will be examining the record, there have been many suggestions made and when the bill comes to mark-up we will have amendments that will deal with some of the questions that have been raised. I disagree with Mr. Perea. I do not think there is anything unconstitutional about this bill at all.

Senator AKAKA. Thank you.

Chairman STEVENS. The question really is, is to a great extent, I do not see anything wrong with it. The university teaches everyone they want in German or in Japanese or Spanish, whatever you want to do, but I do not see any reason to have an official of the United States try to communicate with any person in this country in other than English. They have every right to communicate to a person who does not have the English capability in that language through an interpreter or otherwise. But I do not think they can force a non-foreign language speaking citizen to deal in another language in an official capacity.

Now, that is what this bill is dealing with and I think it is something, Senator Shelby can explain it further. It is not my bill. But I do believe that many of the statements that have been made about what the bill does are fallacious. The record will stay open for 10 days for statements. The staff will determine, the length of those that are submitted, whether they will be printed in the record.

And we thank you all very much.

Ms. NARASAKI. Thank you.

Mr. PEREA. Thank you.

[Whereupon, at 11:47 a.m., the Committee was adjourned.]

## APPENDIX

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II

104TH CONGRESS  
1ST SESSION

# S. 356

To amend title 4, United States Code, to declare English as the official language of the Government of the United States.

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## IN THE SENATE OF THE UNITED STATES

FEBRUARY 3 (legislative day, JANUARY 30), 1995

Mr. SHELBY (for himself and Mr. COVERDELL) introduced the following bill; which was read twice and referred to the Committee on Governmental Affairs

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## A BILL

To amend title 4, United States Code, to declare English as the official language of the Government of the United States.

1       *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Language of Government Act of 1995”.

6 **SEC. 2. FINDINGS AND CONSTRUCTION.**

7       (a) FINDINGS.—The Congress finds and declares  
8 that—

1                             (1) the United States is comprised of individuals  
2                             and groups from diverse ethnic, cultural, and  
3                             linguistic backgrounds;

4                             (2) the United States has benefited and continues to benefit from this rich diversity;

5                             (3) throughout the history of the Nation, the common thread binding those of differing backgrounds has been a common language;

6                             (4) in order to preserve unity in diversity, and to prevent division along linguistic lines, the United States should maintain a language common to all people;

7                             (5) English has historically been the common language and the language of opportunity in the United States;

8                             (6) the purpose of this Act is to help immigrants better assimilate and take full advantage of economic and occupational opportunities in the United States;

9                             (7) by learning the English language, immigrants will be empowered with the language skills and literacy necessary to become responsible citizens and productive workers in the United States;

10                             (8) the use of a single common language in the conduct of the Federal Government's official busi-

1       ness will promote efficiency and fairness to all peo-  
2       ple;

3               (9) English should be recognized in law as the  
4       language of official business of the Federal Govern-  
5       ment; and

6               (10) any monetary savings derived by the Fed-  
7       eral Government from the enactment of this Act  
8       should be used for the teaching of non-English  
9       speaking immigrants the English language.

10       (b) CONSTRUCTION.—The amendments made by sec-  
11       tion 3—

12               (1) are not intended in any way to discriminate  
13       against or restrict the rights of any individual in the  
14       United States;

15               (2) are not intended to discourage or prevent  
16       the use of languages other than English in any  
17       nonofficial capacity; and

18               (3) except where an existing law of the United  
19       States directly contravenes the amendments made by  
20       section 3 (such as by requiring the use of a language  
21       other than English for official business of the Gov-  
22       ernment of the United States), are not intended to  
23       repeal existing laws of the United States.

1 SEC. 3. ENGLISH AS THE OFFICIAL LANGUAGE OF GOVERN-  
2 MENT.

3 (a) IN GENERAL.—Title 4, United States Code, is  
4 amended by adding at the end the following new chapter:

5 **“CHAPTER 6—LANGUAGE OF THE  
6 GOVERNMENT”**

“Sec.

“161. Declaration of official language of Government.

“162. Preserving and enhancing the role of the official language.

“163. Official Government activities in English.

“164. Standing.

“165. Definitions.

7 **“§ 161. Declaration of official language of Govern-  
8 ment”**

9 “The official language of the Government of the  
10 United States is English.

11 **“§ 162. Preserving and enhancing the role of the offi-  
12 cial language”**

13 “The Government shall have an affirmative obligation  
14 to preserve and enhance the role of English as the official  
15 language of the United States Government. Such obliga-  
16 tion shall include encouraging greater opportunities for in-  
17 dividuals to learn the English language.

18 **“§ 163. Official Government activities in English”**

19 (a) CONDUCT OF BUSINESS.—The Government  
20 shall conduct its official business in English.

21 (b) DENIAL OF SERVICES.—No person shall be de-  
22 nied services, assistance, or facilities, directly or indirectly

1 provided by the Government solely because the person  
2 communicates in English.

3       “(c) ENTITLEMENT.—Every person in the United  
4 States is entitled to—

5           “(1) communicate with the Government in Eng-  
6 lish;

7           “(2) receive information from or contribute in-  
8 formation to the Government in English; and

9           “(3) be informed of or be subject to official or-  
10 ders in English.

#### 11 “§ 164. Standing

12       “Any person alleging injury arising from a violation  
13 of this chapter shall have standing to sue in the courts  
14 of the United States under sections 2201 and 2202 of title  
15 28, United States Code, and for such other relief as may  
16 be considered appropriate by the courts.

#### 17 “§ 165. Definitions

18       “For purposes of this chapter:

19           “(1) GOVERNMENT.—The term ‘Government’  
20 means all branches of the Government of the United  
21 States and all employees and officials of the Govern-  
22 ment of the United States while performing official  
23 business.

24           “(2) OFFICIAL BUSINESS.—The term ‘official  
25 business’ means those governmental actions, docu-

1       ments, or policies which are enforceable with the full  
2       weight and authority of the Government, but does  
3       not include—

4                 “(A) teaching of foreign languages;

5                 “(B) actions, documents, or policies that  
6       are not enforceable in the United States;

7                 “(C) actions, documents, or policies nec-  
8       essary for international relations, trade, or com-  
9       merce;

10                 “(D) actions or documents that protect the  
11       public health;

12                 “(E) actions that protect the rights of vic-  
13       tims of crimes or criminal defendants; and

14                 “(F) documents that utilize terms of art or  
15       phrases from languages other than English.”.

16       (b) CONFORMING AMENDMENT.—The table of chap-  
17       ters for title 4, United States Code, is amended by adding  
18       at the end the following new item:

“6. Language of the Government ..... 161”.

19 SEC. 4. PREEMPTION.

20       This Act (and the amendments made by this Act)  
21       shall not preempt any law of any State.

22 SEC. 5. EFFECTIVE DATE.

23       The amendments made by section 3 shall take effect  
24       upon the date of enactment of this Act, except that no

**1** suit may be commenced to enforce or determine rights  
**2** under the amendments until January 1, 1996.

○

**CONGRESSMAN TOBY ROTH****TESTIMONY -- SENATE  
GOVERNMENTAL AFFAIRS COMMITTEE  
HEARING ON OFFICIAL ENGLISH****December 6, 1995****Mr. Chairman & Members of the Subcommittee,**

I want to thank you for the opportunity to testify at this vitally important hearing. This represents the first Senate discussion of the official English issue in over a decade, and Chairman Stevens should be commended for bringing this matter to the Senate's attention.

I have been involved in the effort to declare English our official language for many years. As Chairman of the Congressional English Language Task Force and sponsor of HR 739, the Declaration of Official Language Act, my support for this cause is well-known. I have committed so much time and energy to this effort because I truly believe this is one of the great issues that faces our nation today.

Mr. Chairman, we received a wake-up call recently when we watched Canada, our great friend and neighbor to the north, very nearly split in two over linguistic and cultural differences. If ever we had to be reminded of how precious and fragile a nation's unity can be, Canada's near divorce brought that reality home to me and millions of Americans. The Canadian experience should be the red warning light that causes us to stop and think: could America fragment like Canada almost did?

The answer is a disconcerting but resounding yes. America is the most diverse nation in the history of the world, yet we have escaped national implosion so far because we have enjoyed a wonderful common bond, our English language. Winston Churchill once remarked that the gift of "a common language is a nation's most priceless inheritance." Churchill was absolutely right.

For most of our nation's history, the English language has been the key to integrating new Americans, as well as the glue that has held our people together. That is all changing today. We are losing our common bond.

For one in seven Americans, English is a foreign language. The National Clearinghouse for Bilingual Education estimates that in just five years, the number of Americans who do not speak English will have grown to 40 million.

At a time in our nation's history when we need a common language more than ever, our government policies work to erode English's place in almost every aspect of our lives. Today, Americans can vote, pay their taxes, be sworn in as

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citizens, take their driver's license exams and go to school entirely in languages other than English.

In these tough economic times, when all sectors of the government are being asked to tighten their belt, we must be aware that these linguistic services are provided for at the taxpayer's expense. Alameda County, California officials told me that they spent almost \$100 a ballot to provide foreign language voting materials in their most recent election. The American Legislative Exchange Council estimates that bilingual education alone costs taxpayers \$8 billion a year.

These policies have even greater potential costs--the splintering of our national unity. Programs like bilingual education divide our country by undermining the common bond that holds our country together--English. We need a common language so our diverse population can exchange ideas, share experiences, forge common ideals. As a country of immigrants, we've always enjoyed--even depended on--the common thread of language to weave the fabric of our diverse nation together. Without that bond, America's unity and strength is threatened. There is no surer recipe for dividing America along ethnic and linguistic lines than to erode our common language.

As you consider this issue today, I ask you to weigh the social, financial and national costs of these misguided policies. Ask yourselves if we can expect new Americans and America to continue paying this price.

I felt strongly enough about this issue to introduce legislation to make English our official language. The bill I have sponsored will end government's misguided multilingual policies and reaffirm that English is our national language. My bill represents one approach to this problem. There are others. But we all share the same goal of preserving our unity as a nation.

I commend all those who have recognized this pressing national problem and who have acted to preserve our common language. In particular, I want to thank Senator Shelby and my good friend, Congressman Bill Emerson, for the leadership they've demonstrated in helping spearhead this effort. I look forward to continuing our work together so that we can succeed in making English our official language.

My friends, as we consider this issue today, let us not lose sight of the fact that this is not some abstract public policy discussion. Your stand on this issue has consequences. When the educational policies we pursue to help new Americans learn English fail, the failures have names and faces attached to them. When our policies serve to divide rather than unite us, the rips appear in the very fabric of the American nation.

In the past, our nation has been a shining example of a place where people from every background can live and work together in harmony. I want to keep America one nation, one people. We must preserve the common bond that has kept this country of immigrants together for more than two centuries by making English our official language. Our future as a united nation may very well depend on it. Thank you.

## ESSAY

Charles Krauthammer

# Quebec and the Death of Diversity

**J**UST HOURS AFTER THE QUEBEC REFERENDUM ON SEPARATION that came within a whisker of breaking up Canada—and may yet do so—President Clinton pronounced. “Ethnic diversity can be the hallmark of a strong and prosperous society,” said his spokesman. “The President has often said that our ethnic diversity here in America is one source of our greatest strength ... and hopefully it will be for the people of Canada as well.”

Now, when commenting on an explosive marital spat occurring next door, it is incumbent on a neighbor to be diplomatic and sympathetic. But must one be fatuous too? Here is Canada, a great neighboring country, choking on cultural diversity, very nearly dying of cultural diversity—and the spokesman for the President of the U.S. offers a mindless, mantra-like homily in praise of the very source of Canada’s ongoing agony.

Yes, diversity can contribute to a country’s strength by producing a kind of hearty, hybrid culture and provoking new ways of thought and new avenues to genius. But for every such cultural synergy there are 10 cases—from the Balkans to the former Soviet Union, from Africa to Asia and now to North America—of cultural explosion, where the clash of ethnicities yields weakness, conflict, division, even war. Indeed, the bitterness of French Canada’s drive to amputate its century-old confederation with English Canada tells us much about the unexamined belief in the strength and beauty of the multicultural mosaic.

In their Oct. 30 referendum, half of Quebecers—and a solid 60% of French speakers—said they want out of their partnership in a culturally diverse Canada. Why? For the answer, Americans might look no farther than Louisiana.

“Cajun” is a corruption of “Acadian,” a region of Nova Scotia that was home to many French Canadians until they were expelled by the British in the 1750s and ‘60s. Many emigrated to Louisiana, then a French possession, where their language and culture withered, evolving into a kind of folk curiosity. Quebecers do not want to go the way of the Cajun. They do not want to end up as some colorful ethnic subculture known for its music or cooking or the odd linguistic twist. Quebecers are driven by a terror of being crushed by an English-speaking continent of 300 million into a mere cultural curiosity. Hence their hunger for political independence.

Oddly, and sadly, the solution does not answer the fear. Politics is no cure for cultural assimilation. A flag and an anthem do not assure cultural vitality. The faith that they will is as desperate as it is sentimental.

The real problem of Quebec is the problem of all small peoples in a world of irresistibly globalized commerce and culture.

That separation may not solve the problem is beside the point. Separatism is a fact, the single greatest political fact of the post-cold war world. With external enemies removed, with hybrid states no longer held together by hegemonic superpowers, the petty annoyances and existential difficulties of living in mixed-ethnic marriages within nation-states has become increasingly intolerable. From the former Yugoslavia to the former Czechoslovakia to the former Soviet Union, from Sri Lanka to Quebec, the tendency to separation is inexorable.

Nor is the U.S. immune to the attraction of separatism. Look, for example, at the rise of Louis Farrakhan, the leading black separatist in America. Look at the ethnic social policies, the school curriculums, the racially gerrymandered electoral districts that give an official imprimatur to the notion of the primacy of group over nation.

Which is why Quebec’s referendum is not the provincial story it seems. The 60% of French-speaking Quebecers who voted to sever their political union with bicultural Canada are a herald of the death of diversity. They are a living refutation of the warm and cozy notion, based more on hope than on history, of multicultural harmony and strength. They are a warning.

After all, as former Toronto Sun editor Barbara Amiel points out, if multiculturalism cannot work in Canada, where can it work? If it cannot work in a country as civil, decent and tolerant as Canada—a country where the majority English speakers have been extraordinarily generous in granting all kinds of cultural protections, subsidies, special rights and privileges to the linguistic minority of French Canada—then where?

And if it cannot work in Canada, where the issue is the co-existence of just two (quite similar, one might note) cultures, how will it work in, say, Bosnia, with three, or India or America, with dozens? One looks at Canada and wonders whether the current naive and confident American celebration of cultural diversity—with its insistence on group rights over individual rights, sectarian history over American history, ethnic culture over a common culture—is leading us down a path from which there is no escape.

Canada has an escape. By accident of geography, separation is a real option because the different cultures inhabit different territories. For a country like America, where the different cultures are thoroughly intermixed, there is no such answer. Canada can break up cleanly; the U.S. cannot.

America is proceeding blithely down the path of diversity and ethnic separatism. America’s destination, however, is not Canada, which will find some civil way out of its dilemma. America’s destination is the Balkans. ■



## THE ECONOMIC IMPACT OF ENGLISH LANGUAGE COMPREHENSION: EVIDENCE FOR U. S. IMMIGRANTS

by Richard Vedder and Lowell Gallaway

### I. INTRODUCTION

The 1990 Census suggests that nearly 14 million Americans did not have a high level of proficiency in the English language, more than two-thirds of them immigrants. Moreover, the immigrant population is growing rapidly in an absolute sense, as well as relative to the number of native-born Americans, suggesting the number of Americans with poor English language skills is growing substantially. What is the economic status of this foreign-born population of limited English language proficiency? What would be the impact on incomes if these immigrants had levels of English proficiency equal to those of the native-born population? Are there differences in the problem of English deficiencies between immigrants from different parts of the planet? Does the impact of English language shortcomings vary significantly among the states? These are questions which this study addresses.

Using information compiled in the 1990 Census of Population, we conclude that if immigrant knowledge of English were raised to that of the native-born population, their income levels in 1990 would have been increased by over \$54 billion a year. Under one set of plausible assumptions, the national income of the nation would have been increased by more than 1.2 percent. The present value of the loss of future income to immigrants from this English language deficiency well exceeds one trillion dollars. These losses are real among immigrants from all parts of the globe, but are particularly great among those of Asian origin. The economic impact of English language deficiency is extraordinarily striking in some states - the annual income loss in California alone is estimated to be about \$18 billion, for example, and six other states face annual income losses exceeding a billion dollars.

The loss of income from inadequate proficiency in English is not limited to older immigrants who migrated to the U. S. decades ago and who will soon leave the labor force. While there are a few states (e. g., Pennsylvania and Ohio) where over 70 percent of the estimated income loss came from immigrants who had been in the country over ten years, in many important states (California and Texas as cases in point) at least 40 percent of the estimated income loss is accounted for by recent (1980 and after) arrivals to the country; in our nation's capital, a majority of the estimated income shortfall is found among recent immigrant arrivals.

The huge loss of income from lack of an ability to communicate in the American national tongue may be an understatement. Several million native-born Americans (over

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2.2 percent of the population aged five and above) are not very proficient in English. Many of these are children of immigrants. Adding the income loss from English deficiency for these Americans to that for immigrants would increase our estimate of total impact of English language deficiency on the American population. Moreover, the estimate has undoubtedly increased since 1990 because of the general growth in the economy, inflation, and the continued significant growth in the immigrant population. What does all this say for the typical immigrant? Other things equal, good knowledge of English increases the income of households by almost a third over what it would have been without that skill.

The substantial magnitude of the impact of English language deficiency on incomes might surprise some readers, but the findings are extremely consistent with past studies from earlier periods in American economic history. As will be shown below, studies based on the massive research of the Immigration Commission in the first decade of this century reveal that lack of knowledge of English has long been a barrier to attaining the economic dimensions of the American dream. Indeed, the striking thing about our new findings is that the economic loss from lack of English proficiency among the foreign-born is very similar in relative magnitude today to what it was in the heyday of modern immigration early in this century.

***II. LANGUAGE AND EARNINGS: AN ECONOMIC PERSPECTIVE***

In a modern economy, workers typically specialize in producing one good or service (or even part of a good or service in a sequential production process), which, in turn, they or their employers sell to others. The economic system is built around a network of interpersonal economic relationships. In all but one-worker enterprises, employees typically work cooperatively to jointly produce goods and services that are exchanged for money. The key to efficient production is the ability of the various workers to communicate effectively with each other. If one or more members of the production team cannot understand the national language, worker productivity suffers. Time and effort go into attempting to communicate - effort that would not be necessary if the language, English in the United States, were known by all workers. Because a lack of facility in the English language lowers productivity, profit-maximizing firms will be reluctant to hire non-English speaking workers for the same pay received by their more productive, English-speaking, counterparts. Paying immigrants less is not a sign of ethnic discrimination, but rather a response to the lower productivity associated with ignorance of the American language.

This conclusion is not new. The famed social critic and "muckraker" Jacob Riis, writing about immigrants more than a century ago, concluded that English language training was critical to immigrant economic success, concluding, for example, "The

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whole matter resolves itself .... into a question of education.<sup>1</sup> However, the problem has probably become aggravated over time, as the proportion of workers doing relatively simple repetitive tasks relying mainly on physical strength has declined, while the proportion carrying out varying tasks that place greater emphasis on mental abilities and written and oral communication is growing. The oft-cited rise in earnings of well educated Americans relative to those with limited education is evidence of this.<sup>2</sup> Increasingly, a worker needs to know how to read, write, and speak well in order to communicate increasingly complex information to other workers, thus coordinating production and enhancing efficiency.

Further, a lack of English language capability raises information costs to workers in other ways. Not knowing English well, they are less likely to know of good job opportunities that utilize their most appropriate skills. The worker not easily conversant in English is likely to take unskilled, relatively unproductive, work out of ignorance of better job opportunities.

In short, knowledge of English language lowers the information and transaction costs that impede worker efficiency and lead to the inappropriate allocation of resources. Knowledge of English is usually a necessary, but not sufficient, condition to achieving economic success in the United States.

***III. ENGLISH LANGUAGE COMPREHENSION AND EARNINGS:  
PAST EVIDENCE***

In late 1910, the U. S. Immigration Commission issued perhaps the most voluminous study of social conditions ever undertaken in American history, a 42 volume written in part by some of America's premier social scientists.<sup>3</sup> While many of the conclusions reflect the racist biases of the authors and the times, most modern scholars believe the evidence was gathered in a relatively scientific, unbiased fashion. More than

<sup>1</sup> Jacob Riis, *How the Other Half Lives* (New York (Charles Scribner's Sons, 1890), p. 147.

<sup>2</sup> See Frank Levy and Richard J. Murnane, "U. S. Earnings Levels and Earnings Inequality: A Review of Recent Trends and Proposed Explanations," *Journal of Economic Literature*, September 1992.

<sup>3</sup> For accounts critical of the Immigration Commission's rhetoric, but generally supportive of the methodology used to gather evidence, see Isaac A. Hourwich, *Immigration and Labor: The Economic Aspects of European Immigration to the United States* (New York: G. P. Putnam's Sons, 1912) or Oscar Handlin, *Race and Nationality in American Life* (Boston: Houghton Mifflin, 1948).

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500,000 wage earners were surveyed, a majority of them foreign-born. Most of the statistical evidence was gathered in 1909, with a sampling that was not strictly random but was very extensive and not consciously biased.

The Immigration Commission asked foreign-born, most of whom were so-called New Immigrants who had come to the United States between 1890 and 1909, questions about English language speaking competence, literacy, earnings, and other attributes. The prominent economic historian Robert Higgs used modern statistical techniques to analyze the data.<sup>4</sup> His results suggest that, other factors held equal, persons with a good ability to speak English earned statistically significantly larger earnings than immigrants lacking that language skill.

The Higgs findings were extended by two other scholars, who introduced many other variables into the analysis that might explain differences in immigrant earnings.<sup>5</sup> Again, highly statistically significant findings were obtained that demonstrated that English comprehension enhanced the earnings of immigrant Americans.

How much did English comprehension improve earnings? While the two studies involve a number of alternative estimates (using different non-language control variables), the range of evidence suggests that acquisition of spoken English knowledge increased earnings by about 25 to 45 percent. Using the mid-range estimates, it is approximately correct to state that English comprehension, on average, increased immigrant earnings by one-third. In rough terms, the average income of immigrant workers surveyed was \$600 a year. The acquisition of spoken English skill, on average, increased income from about \$500 annually to perhaps \$650 or \$675 a year.

Of course, dollars today do not buy as much as dollars did in 1909. Indeed, we estimate that it takes \$16.45 to buy what a dollar would buy in 1909.<sup>6</sup> Assuming that English fluency added \$165 annually to the earnings of immigrants in 1909, that would translate into earnings gains in 1994 of \$2,715 annually in 1994 dollars. In short,

<sup>4</sup> Robert Higgs, "Race, Skills, and Earnings: American Immigrants in 1909," *Journal of Economic History*, June 1971.

<sup>5</sup> Paul McGouldrick and Michael Tannen, "Did American Manufacturers Discriminate Against Immigrants Before 1914?", *Journal of Economic History*, September 1977.

<sup>6</sup> This may err in the direction of overstatement. Qualitative improvements in goods and services are hard to incorporate into measures of price changes, and their existence may mean that the post-1909 inflation has been less than indicated by official data series on price levels. In addition, there was a well known problem with measuring housing prices during the highly inflationary 1970s and early 1980s that is not accounted for in our calculation.

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acquisition of a working knowledge of English had a substantial financial return for immigrants, and for the nation as a whole by raising the national output of goods and services.

We estimate that had all immigrants in 1909 had good speaking knowledge of English, the national income would have been increased by slightly over \$450 million, or by about 1.6 percent of the national income.<sup>7</sup> That figure is remarkably close to the estimate obtained for 1990. In 1994 dollars, the income lost from lack of universal English language fluency among the immigrant population in 1909 is estimated to be about \$7.4 billion. As Figure 1 shows, the loss from language deficiencies has grown sharply over time, in part reflecting rising real levels of per capita output and growth in the total size of the immigrant population.

**IV. EVIDENCE FROM THE 1990 CENSUS****Sample and Methodology**

The 1990 Census of Population provides a wealth of information on the American immigrant population.<sup>8</sup> Each immigrant is placed into one of four categories with respect to knowledge of English language. Information is available on immigrant education, country of origin, age, location, income, use of public assistance, family status, occupation, and numerous other factors.

We obtained data for 41 separate immigrant nationalities providing information such as listed above. The largest number of groups (16) came from nationalities in the Americas, with 12 Asian, 11 European, and two other groups (one for Africa and one for Oceania). The analysis included individuals five years of age or older. We also classified immigrants according to five different periods of their migration to the U. S.: 1987 to 1990, 1885-86, 1982-84, 1980-81, or before 1980. All told, we had 205

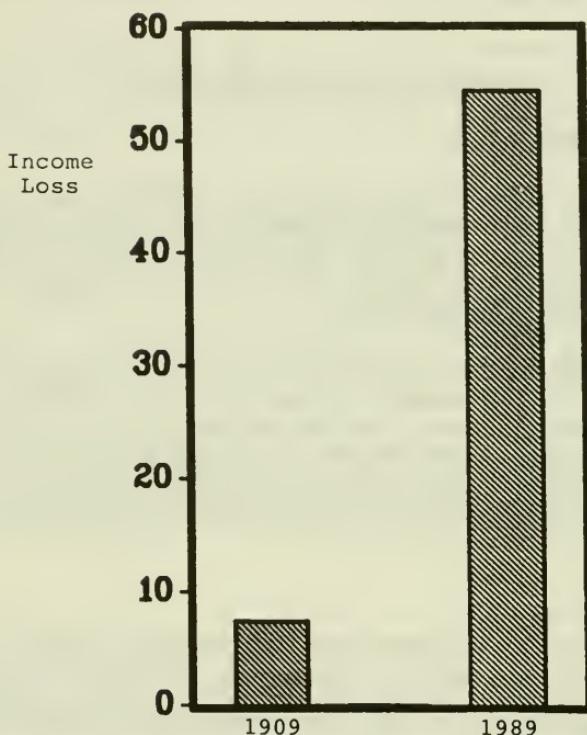
<sup>7</sup> Such a calculation is based on numerous assumptions. We assume that each non-English speaking immigrant would have earned \$165 more, on average, with English language facility. There were about 2,735,000 immigrants aged 10 or over working in 1909, assuming modest labor force growth from 1909 to 1910 (we derived out labor force data from the 1910 Census of Population), and assuming the percent of working immigrants not speaking English was slightly over 34 percent, the proportion in the Immigration Commission sample.

<sup>8</sup> See, U. S. Department of Commerce, Bureau of the census, 1990 Census of Population, **The Foreign-Born Population in the United States, 1990**, CP-3-1 (Washington, D.C.: U. S. Government Printing Office, 1990).

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Figure 1

Income Loss from Immigrant English Language Deficiencies:  
1909 and 1989 (in billions of 1994 dollars)



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observations in our data set (41 nationalities with five observations each, one for each arrival period).

Respondents were classified into one of four categories of knowledge of English. For purposes of this analysis, we considered those who were not in the category "speak English very well" as having limited English language proficiency. Some 47 percent of all immigrants were in this category, with the proportion varying dramatically among groups. In other words, nearly half of all immigrants demonstrated significant deficiency in English knowledge. Had the analysis been confined to individuals aged 18 through 64, the proportion exhibiting English language deficiency would have risen to 59.5 percent.

In total, some 9,160,000 immigrant Americans were indicated to be deficient in English at the time of the 1990 Census, an overwhelming majority of all Americans with language deficiency. The unweighted means of the 205 observations reveals that nearly two-thirds of the sample were high school graduates, that, on average, slightly less than 10 percent received public assistance (the weighted mean is even lower), and that the median age was 33.1, strikingly similar to that for the American population as a whole.

The aggregate (published) census data are not flawless. For example, the data we have on English language capabilities refer to all members of the family (over 5 years of age), not merely those who are wage earners. Unless there is some systematic bias of, say, English speaking wage earners living in households that are otherwise non-English speaking, or vice-versa, there should be no serious problem arising from this shortcoming in the data.

The statistical approach used was that of estimating a multiple regression equation, probably the most commonly employed method of multivariate analysis within the social sciences. We set out to explain variations in the average level of earnings per household (the "dependent variable") for the 205 observations in our sample, using as explanatory factors ("independent variables") the English proficiency variable, median age, age squared, the percent in the group with at least a high school education, and the percent of immigrant households receiving public assistance payments.<sup>9</sup> The use of age and age squared is common in research of this type, as the life cycle of earnings suggests that earnings increase up to some point, and then decline.

In addition, we introduced a number of additional variables, mostly capturing the length of residency in the U. S. or factors relating to the broad area from which the foreign-born resident emigrated. It would be expected, for example, that recent

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<sup>9</sup> The dependent variable measure is earnings per household, including households with zero earnings.

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immigrants to the U. S. would earn less than veteran migrants who have had a chance to gain experience in American labor markets, even independent of the immigrant's age and education. Also, it is possible, other things equal, immigrants from some parts of the world might earn less (or more) than a reference group of immigrants, which we arbitrarily determined to be those from areas other than Asia and the Americas.

The use of the non-language factors in the regression analysis is necessary to reduce the problem of observing a relationship between English comprehension and income that, in fact, is explainable by something else. For example, more highly educated groups are also more likely to speak English. We want to find the independent effect of English comprehension on earnings. By including an educational variable in our analysis, we control for its presence. Therefore, we are able to observe what the relationship between English language knowledge and earnings is holding educational attainment equal for all groups. For similar reasons, we included other variables, for example, those measuring the factor of age.

**Findings**

The major finding is that if one compares an immigrant household where the principal breadwinner does not speak English well with a household where the breadwinner has the typical native-born American's facility with English, the non-English speaking household could be expected to earn \$15,723 less - holding the other factors mentioned above constant.<sup>10</sup> Since slightly over half of immigrant households did not have an English proficiency problem, the average earning loss to all immigrant households of not having the entire population with English language proficiency equivalent to that of the native-born is estimated to be \$7,390. Given that the typical immigrant household had nearly three members, the per capita income loss among the entire immigrant population due to lack of English language proficiency is calculated to be \$2,757.

For the entire immigrant population, these losses amount to \$54.4 billion, or 1.2 percent of the national income in 1990. With a further 20 percent rise in the national income through 1994, we would estimate the income loss in 1994 from the lack of English language proficiency among immigrants to be about \$65 billion, assuming that the losses today are proportionate to what they were in 1990. Given the growth in the immigrant population, this is a conservative assumption.

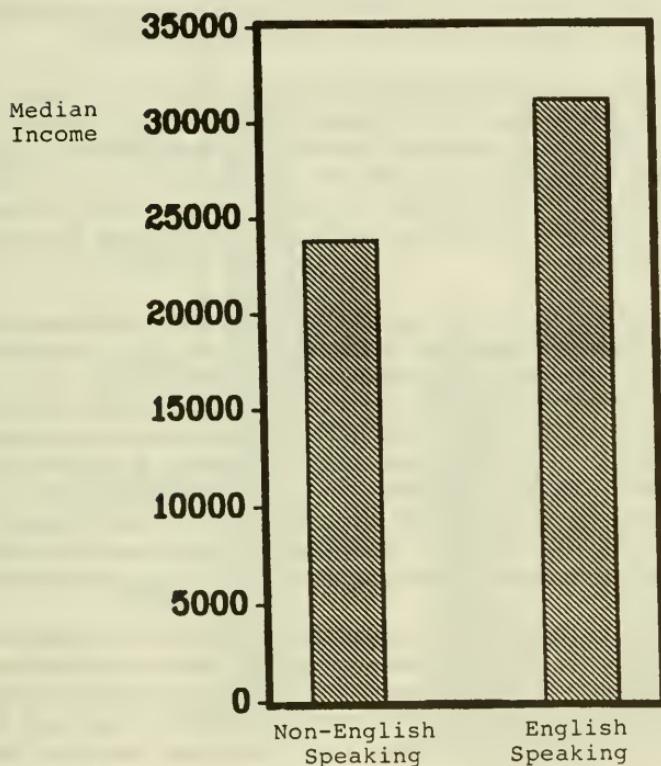
Figure 2 shows the estimated relative economic status of a typical (median) immigrant household that did not speak English well, in comparison to ones that did.

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<sup>10</sup> This estimate assumes that, on average, 96 percent of native-born households speak English well.

**The Economic Impact of English Language Comprehension****Figure 2**

Median Estimated Income of U. S. Immigrant Households, 1989:  
English Speaking vs. Non-English Speaking



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The median income of English-speaking households of \$31,196 was about 31 percent above that of non-English speaking (\$23,806). This differential is almost precisely the same as observed using the 1909 immigrant data. It appears that an almost one-third income differential for English capability has been common throughout twentieth century American history. Similarly, the estimated loss of 1.2 percent of national income is close to that observed for 1909.

The economic impact of a lack of facility with English did vary considerably with immigrant groups. It is important to realize that some immigrant groups have almost perfect English comprehension, as that language is either the native tongue or is the primary language of business. For some nationality groups, however, a very large majority of newcomers to America were without proficiency in the American national language.

The question of the incidence of knowledge of the language aside, the impact of English facility varied with the area of the immigrant's origins. Figure 3 shows our estimate of the loss to a household, assuming its members (or at least its earners) had no ability to speak English well for groups from different broad areas of the world. Note that the estimated losses for Asian immigrants were, on the average, nearly five times as great as those originating in the Americas, with other (predominantly European) immigrant groups in between

Even for immigrants from the Americas, however, the annual loss of income from a lack of English language proficiency was substantial, about \$5,700 per household. Since that loss of income presumably would continue for many years, even for immigrants from the Americas, the estimated present value of the lifetime loss of income from English deficiency exceeds \$100,000, even with rather conservative assumptions about the future. Presumably, the cost of eradicating the ignorance of English is far smaller than \$100,000, making the acquisition of English language capabilities a compelling economic reality. For immigrants from other areas, the case for learning English is even more powerful. The lifetime income loss to a typical Asian household from not knowing English is measured, literally, in the hundreds of thousands of dollars.

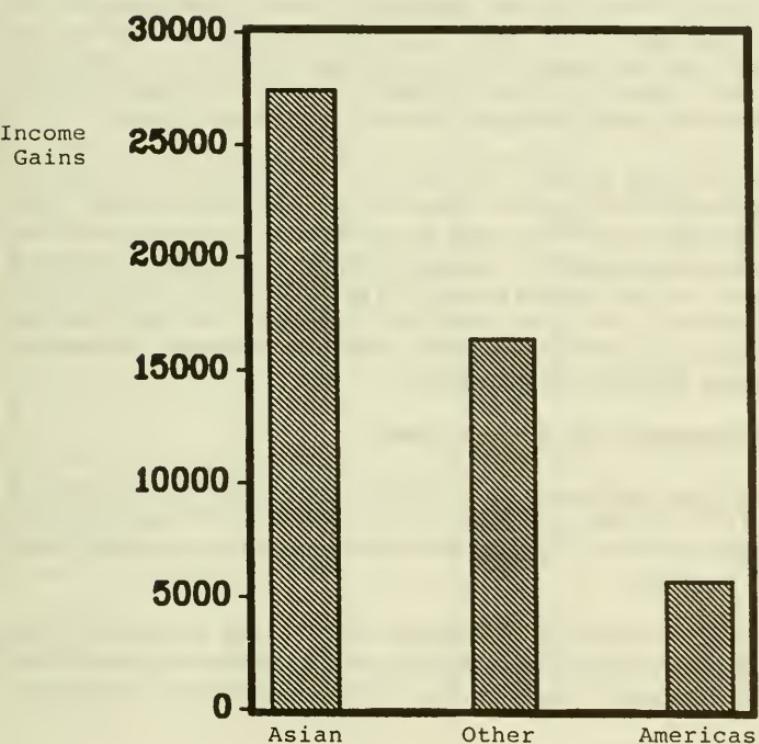
The reasons for the significant intra-immigrant differentials in the benefits of English comprehension are not completely clear, and a detailed elaboration of that issue is beyond the scope of this study. There are pronounced differences in immigrant groups in education and skill levels, and possibly in other attributes that enter into the determination of labor productivity and earnings, such as motivation, persistence, and cognitive ability.<sup>11</sup> It is probable that the cost to an immigrant of a failure to know

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<sup>11</sup> For a provocative discussion of the importance of some of these factors in earnings, see Richard J. Herrnstein and Charles Murray, **The Bell Curve** (New York: Free Press, 1994).

**The Economic Impact of English Language Comprehension****Figure 3**

Estimated Household Income Gains From English Language Proficiency:  
Areas of Immigrant Origin, 1989



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English is much greater where the immigrant otherwise has attributes suggesting high levels of labor productivity. An engineer lacking knowledge of English suffers more than an unskilled agricultural worker. This would be an interesting area for future research.

There are some additional findings of some interest, detailed discussion of which is also beyond the purview of this inquiry. We learn, for example, that earnings rise with years in the United States, even controlling for age, education, English facility, and public assistance usage. An immigrant household whose head had lived in the U. S. for less than three years earned, other things equal, some \$12,837 less than a household whose head had lived in this country for more than 10 years. This variable may be measuring the impact of work experience, knowledge of American institutions and labor markets, additional facility in the English language beyond that measured by our language variable, and other factors. To the extent length of residence in the U. S. provides a further measure of English language proficiency, the already reported estimates of the earnings effects of English deficiency tend to be understated.

Another interesting finding is that there was a strongly negative relationship between the proportion of an immigrant group receiving public assistance and family income, controlling for other factors. Take two groups, identical with respect to area of national origin, years in the U. S., educational attainment, age, and knowledge of English. Suppose one group had five percent of its people on welfare, while the public assistance proportion for the second group was 30 percent. We would estimate household income in the more welfare-dependent group to average some \$3,493 less than in the group where welfare dependency was less.

**Geographic Differentials in the Economic Losses**

The immigrant population is not distributed evenly across the United States.<sup>12</sup> The proportion of the California population that is foreign-born is 27 times greater than it is in Mississippi. There are more than 200 times the number of immigrants in Florida as there are in Wyoming.

In Table 1, we apportion the Estimated \$54.4 billion in economic losses associated with a lack of English comprehension according to the state of residence of the foreign-born population of the United States. We also apportion the losses among

<sup>12</sup> Historically, the reasons for this relate to economic opportunities; immigrants go where jobs are available, where incomes are high, where other immigrants are nearby to help provide labor market information, and where the cost of moving is not prohibitive. See our paper with Vishwa Shukla, "The Distribution of the Immigrant Population of the United States: An Economic Analysis," *Explorations in Economic History*, March 1974.

## The Economic Impact of English Language Comprehension

TABLE 1

Estimated U. S. Immigrant Income loss, 1990, by State  
and Arrival Date (in \$millions)

State	Pre-1880 Entry	1980-1990 Entry	All Immigrants
Alabama	71.5	41.5	133.0
Arizona	525.7	290.6	816.3
Arkansas	38.7	24.9	63.6
California	10,323.2	8,060.7	18,383.9
Colorado	228.9	130.7	359.6
Connecticut	500.1	206.3	706.4
Delaware	37.2	17.3	54.5
Florida	3,299.2	1,657.7	4,956.9
Georgia	248.0	214.3	462.3
Idaho	46.9	30.7	77.6
Illinois	1,588.2	861.9	2,450.1
Indiana	159.9	69.5	229.4
Iowa	59.2	44.5	103.7
Kansas	89.4	71.9	161.3
Kentucky	52.5	32.7	85.2
Louisiana	155.0	84.4	239.4
Maine	80.0	15.1	95.1
Maryland	446.2	340.9	787.1
Massachusetts	935.0	518.7	1,453.7
Michigan	631.3	212.0	843.3
Minnesota	146.1	117.4	263.5
Mississippi	34.5	20.1	54.6
Missouri	133.8	68.0	201.8
Montana	25.7	7.5	33.2
Nebraska	43.0	24.2	67.2
Nevada	169.3	114.9	284.2
New Hampshire	82.2	22.1	104.3

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State	Pre-1980 Entry	1980-1990 Entry	All Immigrants
New Jersey	1,642.2	932.1	2,574.3
New Mexico	153.3	74.0	227.3
New York	5,208.6	3,003.8	8,212.4
North Carolina	171.5	122.1	293.6
North Dakota	16.0	6.8	22.8
Ohio	419.3	155.7	675.0
Oklahoma	101.8	70.0	171.8
Oregon	216.4	143.7	360.1
Pennsylvania	608.9	274.8	883.7
Rhode Island	160.7	82.1	242.1
South Carolina	83.3	43.3	126.6
South Dakota	12.9	5.4	18.3
Tennessee	87.0	58.8	145.8
Texas	2,708.0	1,748.9	4,456.9
Utah	83.3	59.1	142.4
Vermont	37.7	7.4	45.1
Virginia	459.7	347.6	807.3
Washington	500.3	302.8	803.1
West Virginia	25.7	9.8	35.5
Wisconsin	184.7	92.8	277.5
Wyoming	14.1	5.4	19.5
Alaska	37.6	25.8	63.4
Hawaii	220.4	155.6	376.0
Dist. of Columbia	81.4	86.2	167.6

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immigrants that had lived in the United States more than 10 years (arriving before 1980) and those who had been in the country less than a decade. The estimates must be considered educated approximations, since data limitations required us to make some assumptions about the nature of the immigrant population in the individual states.<sup>13</sup>

In seven states - California, Florida, Illinois, Massachusetts, New Jersey, New York, and Texas - the estimated annual loss from English language deficiencies exceeded one billion dollars a year. California alone (\$18.4 Billion) accounted for one-third the estimated national loss. The four states of California, New York, Florida, and Texas suffered almost precisely two-thirds the estimated loss, even though they account for less than one-third the national population.

The losses from English language deficiency varied widely across the land. In California, per capita income of the entire population is estimated to have been lowered by over \$600 because of lack of immigrant English language proficiency (\$18.4 billion divided by roughly 30 million Californians). By contrast, in highly populous Michigan and Ohio, these per capita losses were less than \$100. In some states, for example, Vermont, the losses were concentrated heavily (over 80 percent) among those immigrants who had been long in the U.S., whereas, in other areas (such as the District of Columbia), the economic losses were greater for more recent immigrants.

#### English Comprehension and Education

It is reasonable to expect that both knowledge of English and overall level of educational attainment would positively impact on earnings. Indeed, English comprehension is merely one of the skills that a person might acquire to be productive and earn income in labor markets. Going to school should help promote English comprehension, but most of the time in school, is spent learning other, non-language, skills. What is the relative importance of learning English and acquiring more general knowledge?

Our regression analysis permits us to observe the independent effects of English comprehension and overall education on earnings. It allows us to ask the question, "Holding the proportion of the population that has a high school education constant, what is the relationship between English comprehension and income?" This enables us to assess the effect of English independent of the role of education. Similarly, we can ask, "What is the relationship between the proportion of immigrants having at least a high school education and household earnings, holding the percentage of persons knowing

<sup>13</sup> The most critical assumption is that the proportion of non-English speaking immigrants by nationality group was the same in each state.

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English well constant?" We look at the role of education affecting earnings independent of knowledge of English.

Which has the more important independent influence, knowledge of English or educational attainment (measured here by receipt of at least a high school diploma)? Earlier, we observed statistically significant differences in the importance of English comprehension among different groups of immigrants; we did not observe statistically significant group difference with respect to education. In Figure 4, we show the predicted income level that a typical immigrant in three categories of geographic origin would have received with varying proportions of the population capable of speaking English well. The fourth line shows the relationship between the proportion of an immigrant group with a high school education and the level of earnings.

The graph suggests sharp and important gains to Asian immigrants from attaining English capability. Is it more important to have, say, one percent more of the population among this group graduate from high school or one percent more speak English well? The answer is, "Speak English well." The payoff is about 15 percent greater - for something which probably requires far fewer educational resources to achieve (knowledge of English comes more cheaply than knowledge in a range of other subjects). For immigrants from Europe and the Americas, the payoff for English comprehension is lower than that generally observed for education. Even for these immigrants, though, there are significant returns involved in providing knowledge of the English language.

**V. CONCLUSIONS: IMPLICATIONS FOR POLICY**

Immigrants to America make important contributions to the economic life of the country. In 1990, per capita income of immigrants actually exceeded that of native-born Americans. Yet, the economic potential of immigrants is greatly restricted by the fact that roughly half of the foreign-born population fails to speak English well. Other things the same, knowledge of English increases immigrant income by almost one-third, a relationship that has endured since the beginning of this century.

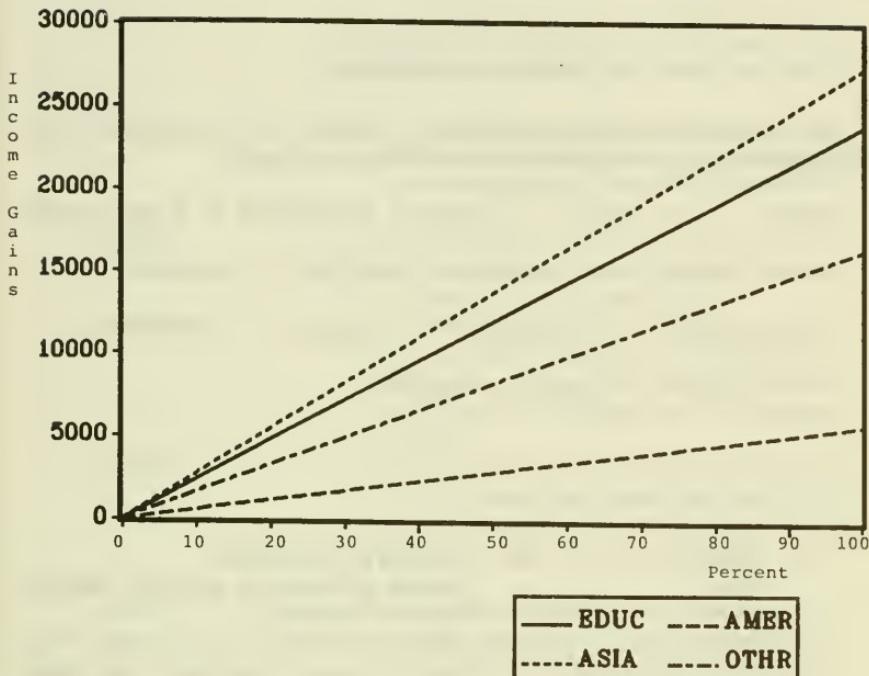
In some parts of the country, notably such immigrant-intensive states as California, Florida, and Texas, the economic impact of language deficiencies are substantial. Per capita income in California would be roughly three percent higher if its immigrant population could all speak English well: for the nation as a whole, about \$65 billion (1.2 percent of personal income) currently is lost because of English language deficiencies among the immigrant population.

Why does this deficiency exist? The answer, at least in part, is that public policy does not promote training in the English language. Immigration laws do not provide

## The Economic Impact of English Language Comprehension

Figure 4

Income Gains from Acquiring English Proficiency vs. Acquiring  
a High School Education, United States, 1989



**The Economic Impact of English Language Comprehension**

priority for those capable of speaking the language. Bilingual education legislation has served to retard the linguistic assimilation process by providing instruction to students in their native language. The language of the United States is English, and economic interrelationships depend crucially on discourse carried out in that language. By encouraging the use of other languages, federal policy reduces the economic potential of some of this nation's most productive human capital assets.

**TECHNICAL APPENDIX**

The formal statistical model employed in reaching our conclusions is of the multiple regression type, as expressed in the following relationship:

$$\begin{aligned}
 \text{EARN} = & b_0 + b_1 \text{ENG} + b_2 \text{EDUC} + b_3 \text{MEDAGE} + b_4 \text{MEDAGESQ} \\
 & + b_5 \text{PCTPA} + b_6 \text{AMDUM} + b_7 \text{ASDUM} + b_8 \text{AMENG} \\
 & + b_9 \text{ASENG} + b_{10} \text{AMAGE} + b_{11} \text{ASAGE} + b_{12} \text{D8790} \\
 & + b_{13} \text{D8586} + b_{14} \text{D8284} + b_{15} \text{D8081} + e
 \end{aligned}$$

where

EARN	=	earnings per household,
ENG	=	percent of immigrant group not speaking English "very well",
EDUC	=	percent of immigrant group 25 years of age and older who are at least a high school graduate,
MEDAGE	=	median age of immigrant group,
MEDAGESQ	=	median age squared,
PCTPA	=	percent of immigrant group households receiving public assistance benefits
AMDUM	=	a one-zero dummy variable, taking the value one for immigrant groups from North and South America and zero for all other areas,

**The Economic Impact of English Language Comprehension**

ASDUM	=	a one-zero dummy variable, taking the value one for immigrant groups from Asia and zero for all other areas,
AMENG	=	an interaction term that captures any difference in the impact of English proficiency on earnings of immigrant groups from South America,
ASENG	=	an interaction term that captures any difference in the impact of English proficiency on earnings of immigrant groups from Asia,
AMAGE	=	an interaction term that captures any difference in the impact of age on earnings of immigrant groups from North and South America,
ASAGE	=	an interaction term that captures any difference in the impact of age on earnings of immigrant groups from Asia,
D8790	=	a one-zero dummy variable, taking the value one for those data points associated with immigrants who entered the United States in the period 1987-1990 and zero for all other points,
D8586	=	a one-zero dummy variable, taking the value one for those data points associated with immigrants who entered the United States in the period 1985-1986 and zero for all other points,
D8284	=	a one-zero dummy variable, taking the value one for those data points associated with immigrants who entered the United States in the period 1982-1984 and zero for all other points,
D8081	=	a one-zero dummy variable, taking the value one for those data points associated with immigrants who entered the United States in the period 1980-1981 and zero for all other points, and
e	=	a random error term.

**The Economic Impact of English Language Comprehension**

The basic data are compiled from United States Department of Commerce, Bureau of the Census, 1990 Census of Population, **The Foreign-Born Population in the United States, 1990, CP-3-1** (Washington, D. C.: U. S. Government Printing Office, 1993).

A few words are in order concerning the interaction term variables. They are constructed by multiplying the appropriate area dummy variable by either the English proficiency or median age variable. Thus, the variable AMENG is derived by multiplying the AMDUM variable by the ENG variable. For interpretive purposes, the effect of English proficiency on earnings for immigrant groups from North and South America is obtained by summing the regression coefficients  $b_1$  and  $b_8$ . Similarly, the same effect for Asian immigrant groups is measured by summing the regression coefficients  $b_1$  and  $b_9$ . The effect of English proficiency on earnings for all other groups is given by the regression coefficient  $b_1$ .

The full regression results are reported in Table A-1.

## The Economic Impact of English Language Comprehension

Table A-1

Regression Analysis of Factors Explaining 1989 Earnings per Household,  
41 Immigrant Groups, United States of America

Variable	Coefficient	t-Statistic	Significance
Constant term	36590.55	3.42	0.001
ENG	- 163.72	- 4.31	0.000
MEDAGE	68.66	0.15	0.878
MEDAGESQ	- 5.68	- 1.16	0.249
EDUC	238.87	4.91	0.000
PCTPA	- 139.72	- 3.66	0.000
AMDUM	- 21969.46	- 3.77	0.000
ASDUM	- 16658.55	- 2.07	0.040
AMENG	106.87	2.59	0.011
ASENG	- 110.52	- 1.84	0.068
AMAGE	338.14	2.15	0.033
ASAGE	721.32	3.64	0.000
D8790	- 12836.54	- 5.67	0.000
D8586	- 8456.90	- 4.18	0.000
D8284	- 5502.02	- 2.97	0.003
D8081	- 3039.56	- 1.80	0.073

Regression Statistics:  $R^2 = .7568$ ; Adjusted  $R^2 = .7374$ ; F-statistic = 39.00

## THE IMPACT OF POOR IMMIGRANT ENGLISH SKILLS ON STATE GOVERNMENT

by Richard Vedder and Lowell Gallaway  
Ohio University

We have previously estimated that Americans lose about \$80 billion in income annually from the lost productivity associated with English language skills of American immigrants that are lower than those of the native-born population. This loss of income means reduced standards of living for Americans who have lower consumption expenditures than would otherwise be the case. But governments also suffer a loss of revenue, and an increase in expenditures as a consequence of this income loss. In short, poor English comprehension among the immigrant population increases the stress on budgets of governments, particularly at the state level.

In this study, we first examine the possible revenue losses to government arising from reduced incomes stemming from poor English proficiency among immigrants. We confine our attention to state and local governments, putting most emphasis on state government. By ignoring the federal government effects, we are significantly understating the total fiscal impact on all American governments.

Making some conservative assumptions, we would estimate that in 1995 state and local governments would have received more than \$11.3 billion more in tax and other revenues had immigrants matched native-born Americans in terms of English language proficiency. Put differently, if governments had received this revenue, they could have given tax cuts that would have averaged more than \$180 per year for a family of four - and that ignores any possible tax cuts at the federal level, and also fails to allow for further state and local tax cuts as a consequence of savings on expenditures.

A majority of the loss of revenues occurs at the level of state (as opposed to local) government. We estimate that nearly \$6.2 billion of revenue is being lost annually by state governments as a consequence of poor English skills among immigrants. Yet, that is not the whole story. Lower incomes mean higher welfare expenditures, higher poverty levels and so forth. In the second half of this study we document significant negative effects that poor English proficiency has on the spending side, crowding out funds that could have been used for more productive purposes, including added relief for taxpayers. For example, public assistance spending in 1995 could have been reduced by more than \$1.5 billion if immigrants had native-level English language skills. We estimate that more than 900,000 more jobs would have been created and the number of unemployed nationally would have fallen by more than 200,000 - reducing strain on state unemployment compensation funds.

The Impact of Poor Immigrant English Skills on State Government*I. LOSS OF GOVERNMENTAL REVENUE*

State governments derive their revenue from taxes, fees and charges, federal government grants, and certain other miscellaneous sources of funds, such as interest on cash balances. The largest of these sources, taxes, is highly sensitive to income. Obviously, income tax receipts vary directly and, indeed, more than proportionately, with income. But so do most other tax sources. Consumption subject to sales or excise taxes tends to be highly sensitive to income, for example. When income rises, typically so do property values, inflating property tax receipts for state and, especially, local governments.

Given our estimates of the impact that substandard English proficiency has on income derived in our previous study, it is possible to estimate the revenue effects of lack of English skills among the foreign-born. In doing so, we assume that the additional governmental tax or non-tax revenues per dollar of income equal the average governmental revenues per dollar of income. For example, if state X has a tax burden equal to 13 percent of personal income, we believe it is reasonable to assume that such a state would capture 13 percent of any increase in income in the form of state taxes. Data for the 1991 fiscal year are used in deriving the relationship between tax and non-tax forms of revenue and personal income.<sup>1</sup> In the jargon of economics, we are implicitly assuming that the elasticity of governmental revenues with respect to personal income is about one, which seems to roughly accord with historical experience; if anything, this is a conservative assumption.

It is less clear whether non-tax forms of revenue are as sensitive as taxes to income considerations. Clearly, as economic activity expands with rising income, some governmental activities paid for by fees and charges will come under increased demand. At the same time, some non-tax revenues are less vulnerable to income changes in the short run, such as interest earned on investments.

Accordingly, in Table 1, we calculated the estimated revenue loss to state and local governments in the year 1995 assuming that all forms of revenues (excluding federal grants) are responsive to income change (Estimate 1), and we also made the more restrictive assumption that non-tax revenues are fixed and totally unresponsive to income changes (Estimate 2). The truth probably lies somewhere in between. Accordingly, we will use for discussion purposes Estimate 3, which is the average of the two alternatives discussed above.

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<sup>1</sup> U. S. Bureau of the Census, *Governmental Finances: 1990-91* (Washington, D. C.: U. S. Government Printing Office, 1993). Lamentably, the government has not yet issued the final report for fiscal year 1993.

The Impact of Poor Immigrant English Skills on State Government

Table 1

Revenue Loss to State and Local Governments Resulting from  
Lack of Foreign-Born English Proficiency, 1992,  
in Millions of Dollars

State	Revenue Loss Estimate 1	Revenue Loss Estimate 2	Revenue Loss Estimate 3
Alabama	25.4	15.4	20.4
Arizona	215.8	154.1	184.9
Arkansas	13.1	8.9	11.0
California	4,420.3	3,049.1	3,734.7
Colorado	86.0	56.5	71.3
Connecticut	139.1	109.5	124.4
Delaware	14.2	8.5	11.3
Florida	1,143.0	738.1	940.6
Georgia	107.5	73.5	90.5
Idaho	18.5	12.4	15.4
Illinois	504.4	382.3	443.4
Indiana	52.3	35.3	43.8
Iowa	25.7	17.5	21.6
Kansas	36.8	25.5	31.2
Kentucky	20.7	14.6	17.6
Louisiana	65.5	40.7	53.1
Maine	22.5	16.7	19.6
Maryland	164.4	123.7	144.0
Massachusetts	315.5	234.6	275.1
Michigan	206.1	144.1	175.2
Minnesota	74.2	49.4	61.8
Mississippi	13.1	8.3	10.7
Missouri	38.3	27.5	32.9

The Impact of Poor Immigrant English Skills on State Government

Montana	8.2	5.1	6.7
Nebraska	16.5	11.2	13.8
Nevada	67.4	45.1	56.2
New Hampshire	19.6	14.1	16.9
New Jersey	559.6	426.2	492.9
New Mexico	70.7	41.4	56.1
New York	2,410.1	1,843.6	2,216.8
North Carolina	64.5	45.2	54.9
North Dakota	6.4	3.8	5.1
Ohio	126.9	90.5	108.7
Oklahoma	41.4	27.8	34.6
Oregon	94.4	63.9	79.2
Pennsylvania	182.4	133.0	157.9
Rhode Island	53.9	40.7	47.3
South Carolina	29.8	19.6	24.7
South Dakota	3.9	2.6	3.3
Tennessee	29.5	19.5	24.5
Texas	1,021.8	706.1	863.9
Utah	37.6	24.7	31.1
Vermont	11.6	8.1	9.8
Virginia	172.2	120.5	146.4
Washington	205.5	144.8	175.2
West Virginia	9.3	6.3	7.8
Wisconsin	72.3	52.7	62.5
Wyoming	7.6	4.1	5.8
Alaska	58.6	23.4	41.0
Hawaii	111.6	80.0	95.8
Dist. of Col.	52.7	42.7	47.7
United States	13,268.2	9,393.1	11,330.6

The Impact of Poor Immigrant English Skills on State Government

Estimated loss of revenue to all that states is \$11.3 billion (\$13.3 billion if Estimate 1 is used), a significant amount. The revenue effects vary dramatically, exceeding \$3.7 billion annually in California, more than 1,000 times as much as in South Dakota. It is estimated that some 15 states (Arizona, California, Connecticut, Florida, Illinois, Maryland, Massachusetts, Michigan, New Jersey, New York, Ohio, Pennsylvania, Texas, Virginia, and Washington) in the long run could increase their government's revenues over \$100 million annually if the English language deficiencies of the foreign-born were eliminated.

The substantial variation in the fiscal impact reflects largely the marked variation in immigrant presence by states. Also, it is affected by the fact that the tax and other revenue burdens vary rather considerably across the states. The underlying analysis implicitly assumes that the proportion of immigrants with English language deficiency is the same in each state; to the extent that is not the case, the observed variations in the revenue effects may be somewhat misstated. The difference between the first and the second revenue estimates varies also by states, reflecting differential reliance on non-tax forms of revenue.

States differ in how they divide functions between state and local governments, and the first table looks at the combined state and local governmental effects. Many readers, however, are associated with state government, and the relevant fiscal measure to them is the revenue loss to the state. Accordingly, in Table 2, we reestimated the revenue effects looking only at taxes and other forms of revenue collected by state governments. Again, three alternative estimates are provided, with the third estimate probably representing the figure that most likely approximates actual experience.

The aggregate revenue loss to state governments (Estimate 3) approaches \$6.2 billion annually. More than one-third of that is concentrated in California (over \$2.1 billion). Nearly another two billion dollars is estimated to be lost in three other large states: New York, Florida, and Texas. The four aforementioned states contain about 30 percent of the nation's population. In these states, lack of English language proficiency is very materially damaging the financial condition of state governments.

In a large number of other states, the revenue effects are numerically smaller, but still significant, particularly given the smaller budgets of those jurisdictions. In eleven states beyond the ones already mentioned, the negative revenue effects of English language deficiency exceed \$50 million a year. In 40 of the 51 jurisdictions, the estimated revenue effect exceeds \$10 million annually. Moreover, those calculations are conservative. The presumed growth in the non-English proficient immigrant population since 1990 may be understated. The procedure to estimate the marginal governmental revenue effects is similarly conservative.

The Impact of Poor Immigrant English Skills on State Government

Table 2

Revenue Loss to State Governments Resulting from  
Lack of Foreign-Born English Proficiency, 1992,  
in Millions of Dollars

State	Revenue Loss Estimate 1	Revenue Loss Estimate 2	Revenue Loss Estimate 3
Alabama	16.0	10.9	11.4
Arizona	118.1	96.7	107.4
Arkansas	8.8	6.7	7.7
California	2,309.5	1,973.1	2,141.3
Colorado	39.4	27.4	33.4
Connecticut	82.5	62.2	72.4
Delaware	11.1	7.0	9.1
Florida	524.2	418.1	471.2
Georgia	51.9	44.2	48.1
Idaho	11.9	9.0	10.4
Illinois	262.2	206.5	234.3
Indiana	30.9	22.4	26.7
Iowa	15.0	11.1	13.0
Kansas	19.0	14.8	16.9
Kentucky	14.7	11.4	13.1
Louisiana	38.0	25.0	31.5
Maine	14.3	10.4	12.3
Maryland	92.7	71.3	82.0
Massachusetts	206.1	153.5	179.8
Michigan	113.1	81.1	97.1
Minnesota	42.9	33.5	38.2
Mississippi	7.6	6.0	6.8
Missouri	21.4	16.7	19.0

The Impact of Poor Immigrant English Skills on State Government

Montana	5.1	3.3	4.2
Nebraska	8.8	6.3	7.6
Nevada	36.5	30.4	33.5
New Hampshire	8.0	4.2	6.1
New Jersey	309.4	230.2	269.8
New Mexico	51.9	32.4	42.2
New York	1,093.2	865.9	979.6
North Carolina	38.4	31.5	35.0
North Dakota	4.3	2.6	3.5
Ohio	69.8	51.6	60.7
Oklahoma	26.7	20.2	23.5
Oregon	48.8	32.9	40.8
Pennsylvania	97.3	76.7	87.0
Rhode Island	34.4	23.9	29.2
South Carolina	18.7	13.7	16.3
South Dakota	2.2	1.3	1.8
Tennessee	15.6	12.0	13.8
Texas	490.7	370.9	430.8
Utah	23.1	16.2	19.4
Vermont	7.4	4.6	6.0
Virginia	97.0	67.0	82.0
Washington	127.9	103.1	115.5
West Virginia	6.6	5.0	5.8
Wisconsin	43.4	33.5	38.5
Wyoming	4.5	2.5	3.5
Alaska	46.2	16.8	31.5
Hawaii	88.8	64.9	76.8
Dist. of Col.	52.7	42.7	47.7
United States	6,908.7	5,485.7	6,197.2

**The Impact of Poor Immigrant English Skills on State Government**

The revenues that state governments could raise from higher incomes could have been used to reduce taxes for the citizenry. How much in the way of tax reductions would be possible? Table 3 takes the revenues from Table 2 and relates it to total tax collections to measure the possible percentage reduction in taxation that would be possible in a revenue-neutral scenario. In nearly one-third of the states, it would be possible to reduce taxes materially (at least one percent) if revenues were enhanced by increased immigrant English comprehension.

In some states, the potential tax reductions are sizable. California could reduce its overall tax burden by 4.4 percent. If it concentrated the reductions on one of the major sources of tax revenues, the potential reductions are substantial. To pick one important example, California could give an across-the-board cut of ten percent in its income tax - with money to spare. Moreover, this estimate does not take account of savings on the expenditure side that could increase the potential tax reduction.

Finally, the revenue effects described in the first table are converted to a per capita basis and multiplied by four to estimate the typical savings in state and local taxes for a family of four, assuming that English language deficiencies were erased and the resultant increase in governmental income was devoted to tax reduction (Table 4).

In 18 states (including the District of Columbia), the average family would save over \$100 annually. In California and New York, the average savings approximate \$500, and in several other states (e. g., Arizona, Florida, New Jersey, Texas, Alaska, and Hawaii) the savings are over \$200 annually, as it is in the District of Columbia. The lack of English comprehension among the foreign-born adds significant tax burdens to typical American families.

***II. FURTHER IMPACTS OF LACK OF ENGLISH LANGUAGE PROFICIENCY  
ON THE ECONOMIC CONDITION OF IMMIGRANTS***

Our earlier study documenting the importance of English language proficiency as a determinant of earnings among foreign-born households raises some additional possibilities. There are other measures of the economic status of immigrants that also may be affected by English language capabilities through the impact on earnings.

To explore this, we have examined the relationship between mean earnings and the following statistics that are available in the basic Census data sources: (1) the poverty rate among immigrants, (2) the labor force participation rate for immigrants, (3) the foreign-born unemployment rate, and (4) the mean amount of public assistance income for immigrant households. The data are for the same 41 nationality groups used

The Impact of Poor Immigrant English Skills on State Government

Table 3

Possible Percentage Tax Reduction Assuming No Foreign-Born English Language Deficiency, by State

State	Tax Reduction	State	Tax Reduction
Alabama	0.28%	New Hampshire	0.67
Arizona	2.05	New Jersey	1.98
Arkansas	0.28	New Mexico	1.55
California	4.40	New York	3.06
Colorado	0.71	North Carolina	0.40
Connecticut	1.25	North Dakota	0.35
Delaware	0.60	Ohio	0.45
Florida	6.03	Oklahoma	0.52
Georgia	3.03	Oregon	1.08
Idaho	0.74	Pennsylvania	0.59
Illinois	1.55	Rhode Island	1.90
Indiana	0.36	South Carolina	0.35
Iowa	0.32	South Dakota	0.25
Kansas	0.53	Tennessee	0.28
Kentucky	0.23	Texas	2.32
Louisiana	0.58	Utah	0.87
Maine	0.67	Vermont	0.68
Maryland	1.11	Virginia	0.98
Massachusetts	1.59	Washington	1.29
Michigan	0.73	West Virginia	0.21
Minnesota	0.47	Wisconsin	0.48
Mississippi	0.25	Wyoming	0.39
Missouri	0.33	Alaska	0.93
Montana	0.40	Hawaii	2.46
Nebraska	0.36	Distr. of Col.	1.77
Nevada	1.81		

The Impact of Poor Immigrant English Skills on State Government

Table 4

Estimated Potential Tax Reduction, Family of Four, 1995,  
Assuming No Foreign-Born English Deficiency, by State

State	Tax Reduction	State	Tax Reduction
Alabama	\$20.18	New Hampshire	60.84
Arizona	201.85	New Jersey	255.04
Arkansas	18.75	New Mexico	148.04
California	501.98	New York	472.89
Colorado	86.55	North Carolina	33.12
Connecticut	151.35	North Dakota	32.11
Delaware	68.15	Ohio	40.07
Florida	290.79	Oklahoma	43.95
Georgia	55.88	Oregon	111.44
Idaho	61.36	Pennsylvania	53.08
Illinois	155.14	Rhode Island	188.77
Indiana	31.62	South Carolina	28.39
Iowa	31.07	South Dakota	18.73
Kansas	50.33	Tennessee	20.07
Kentucky	19.13	Texas	203.43
Louisiana	50.35	Utah	72.28
Maine	63.96	Vermont	69.89
Maryland	120.50	Virginia	94.64
Massachusetts	182.59	Washington	143.95
Michigan	75.37	West Virginia	17.31
Minnesota	56.50	Wisconsin	51.07
Mississippi	16.57	Wyoming	51.18
Missouri	25.69	Alaska	298.26
Montana	33.38	Hawaii	345.75
Nebraska	35.02	Dist. of Col.	314.19
Nevada	187.07		

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The Impact of Poor Immigrant English Skills on State Government

in the earnings analysis.<sup>2</sup> In all four cases, there is a highly significant relationship with the earnings variable. Details are provided in Table 5. Using these results, we have estimated the impact of lack of English language abilities among the foreign-born on these other dimensions of the economic condition of immigrants.

### Poverty and English Capability

In our general study of the relationship between English language capability and foreign-born earnings, we estimated that the average household earnings loss for the foreign-born explained by English language deficiencies was \$7390 in 1989. Based on the regression coefficient relating poverty and earnings reported in Table 5, this earnings loss translates into a 6.40 percent increase in foreign-born poverty rate. Of course, the poverty rate is the official rate calculated and reported by the Census Bureau. Based on the 1989 foreign-born population, an additional 6.40 percent of immigrants living in poverty amounts to 1,265,000 people.

This figure can be updated to the present (1995) by correcting for the size of the immigrant population. In the first section of this study, we estimated that the total foreign-born population has grown by 15 percent since 1989. Adjusting for this population increase raises the estimate of additional poverty among the foreign-born that is attributable to English language shortcomings to 1,455,000.

This addition to the poverty population can be distributed among the various states and the District of Columbia in exactly the same fashion in which income losses were allocated. The results of doing this are shown in Table 6. The largest increment to the foreign-born poverty population occurs in California, where we estimate that English language deficiencies among the foreign-born have added some 490,000 people to the poverty rolls. New York is second in this respect with 219,000 added to the poverty population, followed by Florida at 132,000, and Texas with 119,000.

### Labor Force Participation and English Capability

Next, we consider the impact of lack of English proficiency among the foreign-born on their labor force participation. The concept of the labor force is a simple one. It consists of those who are working plus those who are officially recorded as being unemployed. The latter are people who are not working but who have been actively seeking employment within the four weeks prior to the date of their being surveyed. The general measure of labor force activity is the civilian labor force participation rate,

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<sup>2</sup> The basic data are available for five different time periods of entry into the United States. Thus, there are some 205 observations on mean earnings and the other statistics.

The Impact of Poor Immigrant English Skills on State Government

Table 5

Relationship Between Mean Earnings Per Immigrant Household  
and Various Measures of Immigrant Economic Condition,  
United States, 1989

Measure of Immigrant Economic Condition	Regression Coefficient (Earnings as Independent Variable)	t-Statistic
Poverty Rate	-.000866	17.13
Labor Force Participation Rate	.000451	7.30
Unemployment Rate	-.000259	13.42
Public Assistance Income per Immigrant Household	-.014584	4.88

Source: U. S. Census Bureau data and authors' calculations.

The Impact of Poor Immigrant English Skills on State Government

Table 6

Additional Foreign-Born Persons Living in Poverty Conditions Because of Lack of English Language Proficiency, United States, by State, 1995

State	Additional Persons in Poverty
Alabama	3,018
Arizona	21,790
Arkansas	1,697
California	490,797
Colorado	9,597
Connecticut	18,856
Delaware	1,455
Florida	132,310
Georgia	12,338
Idaho	2,070
Illinois	65,396
Indiana	6,123
Iowa	2,766
Kansas	4,306
Kentucky	2,264
Louisiana	6,390
Maine	2,538
Maryland	21,009
Massachusetts	38,802
Michigan	22,510
Minnesota	7,034
Mississippi	1,457
Missouri	5,385
Montana	885

The Impact of Poor Immigrant English Skills on State Government

State	Additional Persons in Poverty
Nebraska	1,794
Nevada	7,585
New Hampshire	2,785
New Jersey	68,711
New Mexico	6,068
New York	219,203
North Carolina	7,838
North Dakota	609
Ohio	15,349
Oklahoma	4,585
Oregon	9,613
Pennsylvania	23,588
Rhode Island	6,480
South Carolina	3,377
South Dakota	486
Tennessee	3,892
Texas	118,962
Utah	3,802
Vermont	1,203
Virginia	21,546
Washington	21,435
West Virginia	948
Wisconsin	7,409
Wyoming	521
Alaska	2,006
Hawaii	10,035
District of Columbia	4,475

Source: United States Census data and authors' calculations.

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derived by dividing the labor force (excluding those in military service) by the civilian, non-institutionalized population aged 16 and over and expressing the result as a percentage. That is the statistic we use in this analysis.

Using the relationship between earnings and labor force participation shown in Table 5, we apply the same methodology used to estimate the effects on the number of foreign-born living in poverty to calculate the impact of a relative lack of English language facility among the foreign-born on labor force participation. What we find is that in the absence of English language differences, the civilian labor force participation rate in the United States among the foreign-born would have been 3.296 percentage points higher. Applying that difference to the 1990 Census value for the immigrant civilian population aged 16 and over and correcting for population growth subsequent to the Census date reveals that the foreign-born labor force would have been about 715,000 greater were it not for the relative lack of English competency.

In Table 7, the labor force participation effects are allocated among the states and the District of Columbia using the same technique we employed in distributing the impacts on the poverty population. Again, the largest impact is in California where it is estimated that the immigrant labor force is about 241,000 fewer because of the English language problem.

#### **Unemployment and English Capability**

Following up on the labor force findings, we now explore the impact of English proficiency on unemployment among the immigrant population. There are two effects to be taken into consideration here. First, there is the impact of the changes in labor force participation that have just been documented. The labor force increase of 715,000 in the absence of English language difficulties will lead to an increase in both the number of foreign-born employed and the number unemployed. If we assume that, in the absence of the English language factor, the unemployment rate among foreign-born workers added to the labor force would be the same as the native-born unemployment rate reported in the Census, we can directly estimate the additional immigrant unemployment that would accompany the increase in the labor force. The native-born unemployment rate is reported at 6.2 percent, which would produce additional immigrant unemployment of about 44,300 if the English difficulty were eliminated. This also suggests that the reduction in labor force participation attributable to the English factor also indirectly reduces total immigrant unemployment. This can be thought of as the indirect effect of English language on unemployment among the foreign-born.

Working in the other direction to counteract this phenomenon is the direct impact of English language shortcomings on immigrant unemployment. Here, we use the same

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Table 7

Additional Unemployed, Reduction in Labor Force, and Loss of Jobs Because of Lack of English Language Proficiency, Foreign-Born, United States, 1995

State	Additional Unemployed	Reduction in Labor Force	Loss of Jobs
Alabama	491	1,487	1,928
Arizona	3,172	10,703	13,875
Arkansas	247	834	1,081
California	71,434	241,032	312,466
Colorado	1,397	4,714	6,111
Connecticut	2,745	9,262	12,007
Delaware	212	715	927
Florida	19,261	64,991	84,252
Georgia	1,796	6,060	7,857
Idaho	301	1,017	1,318
Illinois	9,520	32,123	41,643
Indiana	891	3,008	3,899
Iowa	403	1,385	1,761
Kansas	627	2,115	2,742
Kentucky	330	1,112	1,442
Louisiana	930	3,139	4,069
Maine	369	1,247	1,616
Maryland	3,058	10,320	13,378
Massachusetts	5,649	19,060	24,708
Michigan	3,277	11,057	14,334
Minnesota	1,024	3,455	4,479
Mississippi	212	716	928
Missouri	784	2,645	3,429
Montana	129	435	564

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State	Additional Unemployed	Reduction in Labor Force	Loss of Jobs
Nevada*	261	881	1,142
Nevada	1,104	3,726	4,830
New Hampshire	405	1,368	1,773
New Jersey	10,003	33,751	43,754
New Mexico	883	2,981	3,864
New York	31,911	107,673	139,584
North Carolina	1,141	3,850	4,991
North Dakota	89	299	388
Ohio	2,234	7,539	9,774
Oklahoma	667	2,252	2,920
Oregon	1,399	4,722	6,121
Pennsylvania	3,434	11,587	15,020
Rhode Island	943	3,183	4,126
South Carolina	492	1,659	2,150
South Dakota	71	239	309
Tennessee	567	1,912	2,478
Texas	17,318	58,435	75,753
Utah	553	1,866	2,421
Vermont	175	591	766
Virginia	3,137	10,583	13,720
Washington	3,120	10,529	13,649
West Virginia	138	466	604
Wisconsin	1,079	3,639	4,718
Wyoming	76	256	332
Alaska	292	985	1,277
Hawaii	1,461	4,929	6,390
District of Columbia	651	2,198	2,850

Source: United States Census data and authors' calculations.

### The Impact of Poor Immigrant English Skills on State Government

methodology employed in estimating the impacts of English language capability on poverty and labor force participation. In Table 5, we find a significant negative relationship between unemployment and earnings among the immigrant population. Applying that regression coefficient to the average foreign-born household 1989 income loss of \$7,390, it is estimated that English language shortcomings have produced an additional 1.914 percentage points of unemployment among immigrants. After adjusting for growth in the foreign-born labor force since 1990, assumed to be equal to population growth, this implies an additional 256,000 unemployed immigrant workers in 1995 that can be attributed to the direct effects of a relative lack of English proficiency among the foreign-born.

Summing the direct and indirect effects of the English language factor yields a total impact of about 212,000 additional unemployed. Again, it is possible to distribute this total across the states and the District of Columbia. The results are detailed in Table 7. California, once more leads the way with some 71,000 foreign-born workers who are unemployed due to a lack of English language proficiency.

### **Jobs and English Capability**

The analysis of the effect of English language differences between foreign and native-born workers on unemployment and labor force participation can be combined to produce an estimate of the impact expressed in terms of total employment. On the one hand, the higher level of unemployment implies a loss of the same number of jobs. In addition, the reduction in the immigrant labor force that we have calculated also implies a loss of jobs. Since we have already taken account of the indirect effect of labor force participation changes on unemployment, we can count the full amount of the change in labor force when calculating the loss of jobs associated with the English language issue. Summing these two measures reveals that in excess of 925,000 fewer jobs among the foreign-born population are associated with their relative deficiencies in speaking English. The allocation of these jobs across the states and the District of Columbia is also shown in Table 7.

### **Public Assistance and English Capability**

One of the frequently raised questions concerning immigrants is that of the burden they impose on government services, particularly public assistance. The stylized facts on this issue are simple enough. Based on the 1990 Census data, public assistance expenditures, defined as Aid to Families with Dependent Children, Supplemental Security Income, and General Assistance Payments, amounted to \$475 per immigrant household in 1989. The same figure for the native-born was \$293. The total amount of public assistance payments to the foreign-born in that year were \$3.679 billion, compared to \$24.631 billion for native-born Americans.

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These estimates need to be updated to reflect the growth in both population and the level of public assistance payments since 1989. Based on data from the 1996 federal budget documents,<sup>3</sup> we estimate that public assistance payments rose by about 45 percent between fiscal 1989 and fiscal 1995. This would increase the immigrant payments to \$5.535 billion and the native-born to \$35.712 billion.<sup>4</sup> On a per household basis, the adjusted figures for 1995 are \$599 and \$370.<sup>4</sup> Thus, there is an immigrant overburden of \$229 per household. In terms of total public assistance payments, if immigrant households received the same amount of public assistance as the native-born, total payments to the foreign-born in 1995 would be \$3.284 billion. Therefore, the total overburden of immigrant public assistance payments amounts to \$2.051 billion in 1995 (\$5.535 billion less \$3.284 billion).

The important question from the perspective of this analysis is how much of that overburden is the result of the immigrant English language deficiencies. To answer it, we use the same approach employed previously, namely, applying the regression coefficient from Table 5 that defines the relationship between earnings and public assistance income per immigrant household to the estimated 1989 mean foreign-born earnings loss of \$7,390. This yields value of \$1.075 billion in public assistance payments that are the result of English language differences. Adjusting this to reflect the estimate of a 45 percent increase in public assistance payments between 1989 and 1995 produces a final value of \$1.559 billion of public assistance payments that are the result of a relative absence of English language proficiency on the part of the foreign born. This represents 76.0 percent of the calculated overburden of public assistance payments to immigrants.

There is substantial variation in the magnitude of the public assistance burden associated with English language differences among the states and the District of Columbia. The precise allocations of this burden are shown in Table 8. The procedure for making these allocations differs from that employed earlier. In this case, it is necessary to take into account more than just the distribution of immigrants across the various political jurisdictions. It is especially vital that the distributions be adjusted to reflect interjurisdictional differences in the general level of public assistance payments. Data for this purpose were obtained from the standard source for state and local government expenditures, by type.<sup>5</sup> Using this information, the relative magnitude of

<sup>3</sup> Budget of the United States - Historical Tables (Washington, D. C.: U. S. Government Printing Office, 1995), Table 11.3.

<sup>4</sup> These estimates are adjusted to reflect the estimated fifteen percent growth in population between 1989 and 1995.

<sup>5</sup> U. S. Bureau of the census, *Governmental Finances: 1990-91*, op. cit.

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Table 8

Thousands of Dollars of Additional Public Assistance Costs Because of Lack of English Language Proficiency, Foreign-Born, United States, by State, 1995

State	Additional Public Assistance Costs (\$000)
Alabama	952
Arizona	8,385
Arkansas	506
California	801,823
Colorado	4,125
Connecticut	22,261
Delaware	556
Florida	53,797
Georgia	5,320
Idaho	417
Illinois	53,619
Indiana	1,679
Iowa	1,263
Kansas	1,839
Kentucky	977
Louisiana	2,549
Maine	2,475
Maryland	13,528
Massachusetts	45,026
Michigan	26,146
Minnesota	6,949
Mississippi	295
Missouri	1,859
Montana	345

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State	Additional Public Assistance Costs (\$000)
Nebraska	572
Nevada	1,332
New Hampshire	1,140
New Jersey	36,623
New Mexico	2,576
New York	305,174
North Carolina	4,223
North Dakota	145
Ohio	13,365
Oklahoma	1,972
Oregon	4,410
Pennsylvania	18,148
Rhode Island	7,317
South Carolina	903
South Dakota	136
Tennessee	1,371
Texas	46,386
Utah	1,662
Vermont	1,017
Virginia	11,902
Washington	18,356
West Virginia	473
Wisconsin	5,224
Wyoming	223
Alaska	2,416
Hawaii	6,437
District of Columbia	7,872

Source: United States Census data and authors' calculations.

The Impact of Poor Immigrant English Skills on State Government

public assistance payments, by jurisdiction, was calculated by comparing the distribution of such payments with the distribution of population. That relationship was then used to adjust the allocative factors based on the distribution of immigrants.

An examination of the data of Table 8 reveals that the range of variation in the allocation of public assistance payments is much greater than with the other distributions. The outstanding example of this is seen in California. The assignment of English language related public assistance burden to California indicates that it bears more than half the total incidence of these additional costs, some \$801 million. Two factors contribute to this, California's disproportionate share of the immigrant population and the very high per capita public assistance benefits provided by the state.

### **III. CONCLUSIONS**

Americans pay a significant cost when a portion of the population lacks communication skills in the common language, English. In the first part of this study, we demonstrated that those costs to governments are measured in the billions of dollars, and that, in the absence of those costs, many states could make meaningful tax reductions without reducing state revenues. In the second part, we have shown that poor English skills mean more poverty, less labor force participation, fewer jobs, more unemployment, and a greater public assistance burden. All of these factors add to the expenditures of state and local government. Taken collectively, the evidence is that American state and local governments, and their citizens, are significantly burdened by deficiencies in the English language capabilities of immigrant Americans.

Statement of Kauanoe Kamanā and Nāmaka Rawlins  
Committee on Governmental Affairs  
S. 356 Language of Government Act of 1995  
Dirksen Senate Office Building  
March 7, 1996

Aloha 'oukou e ke Kenekoa Stevens a me na lala hanohano o ke Komike 'Aha Kenekoa O Nā Kuleana Aupuni.

I am Kauanoe Kamanā. I am president of the 'Aha Pūnana Leo, Inc. and this is Nāmaka Rawlins, director of 'Aha Pūnana Leo Projects. The 'Aha Pūnana Leo is a non-profit organization established in Hawai'i to assure the survival of our severely threatened Hawaiian language. Thank you for giving us the opportunity to speak in opposition to Senate Bill 356.

We oppose S.B. 356 unless its language is extensively and significantly modified to guarantee the revitalization and perpetuation of the indigenous languages of the United States. In its attempt to elevate English, it attempts also to group all non-English languages of the United States into one category. In doing this, it fails to recognize the existence of Native American languages and the unique responsibility the United States government has in assuring the survival of all Native American languages. This bill as it stands will commit linguistic genocide against the Native American people.

Ironically those who initiated the Official English movement have recognized that the Official English movement needs to make special and extensive exceptions for Native American languages. In 1984, the advocates of U.S. English adopted a policy position on Native American Languages that reads as follows:

See Attached 1.

We bring with us amendments that reflect our feelings and those of several other Native American language preservation groups with which we have contact regarding incorporation of principals very similar to those supported by U.S. English. We also urge that in including amendments supporting the survival of Native American languages, that other amendments be made to assure that the access of linguistic minorities to government be maintained as well.

Senators, we proposed that this bill be similar to the kind of legislation that we have in Hawai'i. In the state of Hawai'i English is official, but it is official along with the indigenous Hawaiian language. English is the general language of government and daily life for Hawai'i's diverse population and also for contact with the outside world. Hawaiian may also be used by the government at any time, but is only required when specified by law. Among the laws specifying use of Hawaiian are laws relating to use of either Hawaiian or English as the medium of education in public schools, promotion of the study of Hawaiian including study in our

University of Hawai'i system, and the recognition of the rights of Native Hawaiians to continue the language as a traditional and customary indigenous right. Furthermore, speakers of immigrant languages, who make up approximately 1/4th of our population are assisted by our state in their access to education, health, human services and participation in state political life.

There is a long history of over one hundred years of official recognition of both the international English language and the indigenous Hawaiian language as well as a long history of good relations with immigrants. There have been periods, however, when we have been affected by forces emanating from other states similar to the harsher elements of the English-Only movement. We experienced a ban on the Hawaiian language during one period that nearly exterminated our language. We are only now beginning to come out of that period. We also experienced a period when American anti-Asian fervor resulted in citizenship being denied our very large Japanese, Chinese and Korean communities. This persecution included laws banning community language schools. The issue was taken to the Supreme Court and won by the language schools.

Throughout the periods when these outside influences placed bans on our languages, we have continued to respect each other based on our Hawaiian feelings of aloha for our fellow man no matter what their background. Between Kauanoe and myself, we have family members who represent every ethnic group here on this panel and beyond from American Indian to Japanese, Arab, and Korean and from Puerto Rican to African American, Jewish, German, Chinese and Samoan.

Our ancestors left us a saying: "I ka 'olelo nō ke ola; I ka 'olelo nō ka make." In language rests life; In language rests death. Our Native Hawaiian language cannot be consigned to death by this bill. Immigrants in Hawai'i cannot be left out of public life because of this bill. The English language cannot be associated with the death of other languages by this bill.

Senators, we in Hawai'i know that it is possible to develop legislation that recognizes the special role of English, that provides special support for the survival of indigenous languages, and that protect the access of immigrants to the society they seek to join. S.B. 356 as it is currently written is not such legislation. Attached are our extensive suggested amendments to create such a bill. See Attached 2.

Thank you for this opportunity to work with you in assuring that special attention is given to the Native Languages of the United States.

Aloha, a na ke Akua e mālama a kōkua iā 'oukou a pau.

**U.S.ENGLISH POLICY POSITION:**  
**Native American Languages**

U.S.ENGLISH has adopted a policy position on the preservation of Native American languages. The following considerations shaped the development of our position:

- The languages of Native Americans are part of the heritage of the North American Continent. While we are opposed to the official institutionalization of other immigrant languages in competition with English, we recognise as a matter of justice that Native Americans should have opportunities to maintain their own languages.
- Native American languages are not spoken anywhere else in the world, and some would surely disappear without affirmative encouragement. This would be a loss to all humankind, and not just the affected tribes. We believe that the preservation of Native American languages is an intellectual obligation we must assume.
- Many Native American tribes enjoy some form of autonomy and/or sovereignty, which is already in ~~facto~~ recognition of their special status in American society.

U.S.ENGLISH therefore endorses the following policy principles:

A.) Recognition of and respect for the right of Native American tribes who live in territories granted a measure of autonomy to maintain their culture and language. The tribal culture is paramount in these jurisdictions, and bilingual education could be the vehicle for introducing English into the curriculum.

This would apply to Indians on reservations, to Eskimos and Aleuts living in villages under the terms of the Native Alaskan Claims Settlement Act, and to Hawaiian communities.

B.) Those Native Americans who leave the tribal communities to live in society-at-large and whose children attend regular public schools are governed by the same principles as everybody else. Distancing one's self from the fountain of one's native culture inevitably diminishes cultural ties, and leads to ~~disapproachement~~ to the majority culture.

In areas where there are enough interested parents to make it practical, a native language can be offered as an additional subject, even in the primary grades.

C.) Some federal funds should be made available at the post-secondary level to encourage the study of Native American languages and cultures as rigorous academic disciplines. This is essential to help record and preserve languages threatened with extinction.

## KAMANĀ/Rawlins PROPOSED AMENDMENTS TO S. 356

## A BILL

To amend title 4, United States Code, to declare English as the official language of the Government of the United States

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

## SECTION 1. SHORT TITLE

This Act may be cited as the "Language of Government Act of 1995".

## SECTION 2. FINDINGS AND CONSTRUCTION

(a) FINDINGS.—The Congress finds and declares that—

(1) the United States is comprised of individuals and groups from diverse ethnic, cultural, and linguistic backgrounds;

(2) the United States has benefited and continues to benefit from this rich diversity;

(3) throughout the history of the Nation, the common thread binding those of differing backgrounds has been a common language;

(4) in order to preserve unity in diversity, and to prevent division along linguistic lines, the United States should maintain a language common to all people while assisting and protecting those who lack full access to that language;

(5) English has historically been the common language and the language of opportunity in the United States;

(6) the purpose of this Act is to help immigrants better assimilate and take full advantage of economic and occupational opportunities in the United States;

(7) by learning the English language, immigrants will be empowered with the language skills and literacy to become responsible citizens and productive workers in the United States;

(8) the use of a single common language in the conduct of Government's official business will promote efficiency and fairness to all people;

(9) English should be recognized in law as the language of official business of the Government; and

(10) this Act also recognizes the uniquely American status of Native American languages and a moral responsibility to act to assure their survival.

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revitalization and use in their own American place of origin;  
(11) whereas foreign languages are supported by the  
United States whenever aide is given to a foreign country it is  
appropriate that a set percentage of all foreign aide funds be  
set aside to support Native American languages;

(10)-(12) any monetary savings derived from the  
enactment of this Act should be used for the teaching of non-English  
speaking immigrants the English language.

(b) CONSTRUCTION.-The amendments made by section 3-  
 (1) are not intended in any way to discriminate against  
 or restrict the rights of any individual in the United States;  
 (2) are not intended to discourage or prevent the use of  
 languages other than English in any nonofficial capacity; and  
 (3) except where an existing law of the United States  
 directly contravenes the amendments made by section 3 (such  
 as by requiring the use of a non-Native American language  
 other than English for official business of the Government of  
 the United States), are not intended to repeal existing laws of  
 the United States.

### SEC. 3 ENGLISH AS THE OFFICIAL LANGUAGE OF GOVERNMENT

(a) IN GENERAL.-Title 4, United States Code, is amended by  
 adding at the end the following new chapter:

#### CHAPTER 6-LANGUAGE OF THE GOVERNMENT

"Sec.  
 "161. Declaration of official language of Government  
 "162. Preserving and enhancing the role of the official language  
 "163. Official government activities in English  
 "164. Native American languages in schools  
 "165. Standing  
 "166. Definitions.

#### "161. Declaration of official language of Government

"The official language of the Government of the United States  
 is English except for special provisions for Native American  
languages which are the national languages of the United States.

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## \*162. Preserving and enhancing the role of the official language.

"The Government shall have an affirmative obligation to preserve and enhance Native American languages and the role of English as the official language of the United States Government. Such obligation shall include encouraging greater opportunities for individuals to learn the English language and for the study, teaching, revitalization, and use of Native American languages by Native Americans.

## \*163. Official Government activities in English

"(a) CONDUCT OF BUSINESS.-The Government shall conduct its official business in English except that Native American languages may be used at any time along with English and shall be used exclusive of English when so specified by law.

"(b) DENIAL OF SERVICES.-No person shall be denied services, assistance, or facilities, directly or indirectly provided by the Government solely because that person communicates in English except for services specified by law for Native Americans.

"(c) ENTITLEMENT.- Every person in the United States is entitled to-

"(1) communicate with the Government in English;

"(2) receive information from or contribute information to the Government in English, and

"(3) be informed of or be subject to official orders in English.

"(d) NATIVE AMERICAN LANGUAGES EXEMPTION-Programs designed specifically for Native American languages and Native Americans are exempted from (b) and (c) above and shall encourage the use of Native American languages in traditional Native American areas either alone or in conjunction with English in accordance with local Native American established legislation.

## \*164 Native American languages in schools

"(e) NATIVE AMERICAN LANGUAGE SPEAKING CHILDREN. Fully or partially Government funded public school districts serving Native American language speaking children living in traditional Native American areas shall provide, at the request of parents of fifteen such children, full education through a common class taught entirely in their Native American language contracted at an equitable rate to a Native American language education governing body and using the

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most qualified teacher fluent in their Native American language regardless of teacher certification.

(b) NATIVE AMERICAN LANGUAGE COURSES - Fully or partially Government funded public school districts serving Native American children in grades seven through twelve shall provide at the request of parents of fifteen such children a credited course in a parent designated Native American language contracted to a Native American language education governing body and using the most qualified teacher fluent in their language regardless of teacher certification.

(c) CREDIT AT FEDERALLY FUNDED COLLEGES -Fully or partially Government funded institutions of higher education shall grant demonstrated proficiency in Native American languages the same academic credit as comparable proficiency achieved through course work in a foreign language with recognition of such Native American language proficiency as fulfilling foreign language entrance or general education degree requirements:

165 Standing

"Any person alleging injury arising from a violation of this chapter shall have standing to sue in the courts of the United States under section 2201 and 2202 of title 28, United States Code, and for such other relief as may be considered appropriate by the courts.

166 Definitions

"For purposes of this chapter.

"(1) GOVERNMENT. -The term 'Government' means all branches of the Government of the United States and all employees and officials of the Government of the United States while performing official business.

"(2) OFFICIAL BUSINESS. -The term 'official business' means those governmental actions, documents, or policies which are enforceable with the full weight and authority of the Government, but does not include-

"(A) teaching of /foreign delete/ languages other than English:

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"(B) actions, documents, or policies that are not enforceable in the United States;

"(C) actions, documents, or policies necessary for international relations, trade, or commerce;

"(D) actions or documents that protect /the/ public and individual health, safety and entitlements;

"(E) actions that protect the rights of voters and victims of crimes or criminal defendants; /and delete/

"(F) special language-based assistance to minority language students (including Native American students whose English has been influenced by Native American languages) to allow for equal participation in public education in accordance with Title VI of the Civil Rights Act, provided that participation in such assistance is with parental consent and Government funding priority is given to programs serving primarily American citizens and American nationals.

"(3) Native American and Native American language. - The terms 'Native American' and 'Native American Language' shall have the same meanings given such terms in section 103 of the Native American Languages Act of 1990 except that Native American status shall herein be expanded to eliminate residency restrictions.

"(4) Traditional Native American area. - The term 'traditional Native American area' shall include the areas inhabited by individual Native American groups upon their annexation to the United States and reservations and other Native American land interests recognized at any time by state or federal governments of the United States along with any school that serves students living in such an area.

"(5) Native American language education governing body. - The term 'Native American language education governing body' shall include Indian tribes and tribal organizations as these terms are respectively defined under section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b), Alaska Native Corporations, the Office of Hawaiian Affairs of the State of Hawaii, the education departments of the American Pacific Islands, and non-profit organizations with a majority of their governing boards and employees consisting of fluent speakers of the traditional Native American languages used in their educational

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programs and with not less than five years of successful experience in providing educational services in Native American languages.

(b) CONFORMING AMENDMENT.-The table of chapters for title 4, United States Code, is amended by adding at the end the following new item:

"6. Language of the Government..... 161".

SEC. 4. PREEMPTION

This Act (and the amendments made by this Act) shall not preempt any law of any State, territory or possession of the United States.

SEC. 5. EFFECTIVE DATE

The amendments made by section 3 shall take effect upon the date of enactment of this Act, except that no suit may be commenced to enforce or determine rights under the amendments until January 1, 1997.

**COMMENTARY ON KAMANÀ/RAWLINS PROPOSED AMENDMENTS TO S 356**

S. 356 as originally proposed overlooks Native American languages and thus categorizes them with immigrant languages as "non-English." S. 356 as originally written will result in the extermination of Native American languages.

The Kamanà/Rawlins proposed amendments extensively change S. 356 to protect, maintain and support the survival of Native American languages and were developed with considerable discussion with Native American language speakers throughout the U.S.. These amendments are consistent with the Native American languages policy position of U.S. English and also the 1990 Native American languages act. These proposed amendments also call for guaranteeing equal access to those who do not speak English.

**SECTION 2. FINDINGS AND CONSTRUCTION**

1. Sec. 2. (e) (4) This addition notes that unity must be preserved within the context of equal access.
2. Sec. 2 (e) (10) This addition establishes the responsibility of the United States for Native American languages.
3. Sec. 2. (e) (11) This addition notes that the United States provides indirect support to foreign languages through foreign aide and suggests that a small percentage of foreign aide funds be redirected to Native American languages support would be appropriate.
4. Sec. 2. (e) (12) Simple renumbering of former (10.)
5. Sec. 2. (b) (3) This provision separates Native American languages from other non-English languages by placing Native American languages with English. This is consistent with amendments to other sections later in the bill.

**SEC. 3. ENGLISH AS THE OFFICIAL LANGUAGE OF GOVERNMENT**

1. Sec. 3. (e) list from 161 through 166. Addition of 164 Native American languages in schools and renumbering of 164 as 165 and 165 as 166.

Commentary on Kaman&Rawlins Proposed Amendments to S 356  
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2. Sec. 3. (a) 161. Native American languages recognized as an exception with the status of "national languages of the United States". The solution of giving the colonial language "official" status and the indigenous languages "national" status has been used in South America. The national status of Native American languages recognizes that they are languages unique to the United States as a nation but that they have limited use on an official basis. In the state of Hawaii, both the indigenous Hawaiian language and English are recognized as "official" but the Hawaiian language is not required for official acts. See Sec. 3 (a) 163 for more details.

3. Sec. 3. (a) 162. Preservation and enhancement of Native American languages as well as the encouragement of opportunities to teach, revitalize and use Native American languages. Support of this nature is much more important for Native American languages than it is for English. All 175 living Native American languages are endangered. Only about twenty still have children speaking them. Perhaps another twenty-five languages are already extinct. Legislation specifically designed to assure encouragement of Native American languages is parallel to Hawaii state constitutional provisions that requires the study of Hawaiian language.

4. Sec. 3. (a) 163 (a). This provision establishes that the official language of the United States government is English, but allows for Native American languages to be used at any time along with English and also the exclusive use of Native American languages when provided for by law. This provision is directly parallel to Hawaii state provisions which have worked very successfully.

5. Sec. 3. (a) 163 (b). Amendments to this provision allow sole use of Native American languages when specified by law. An example of such a provision might be a law specific to the interment of accidentally discovered human remains from a particular Native American group that requires the use of the traditional language in the handling of the human remains in accordance with tribal custom.

6. Sec. 3. (a) 163 (d) A new provision has been added here to clarify the exceptions under which Native American languages may be used by the Government especially in traditional Native American areas where there is local legislation requiring use of such languages.

Commentary on Kamen&Rawlins Proposed Amendments to S 356  
page 3

Many Native American governments have policies regarding use of their traditional Native American languages. Among situations where federal projects might use Native American languages are programs for the elderly, preschools, culture projects, health projects, tribal college support and tribal government support.

7. Sec. 3 (a) 164. Native American languages in schools. This is a new section and has been developed following the three basic points within the U.S. English Policy Position on Native American languages. School policy is especially important for the survival of Native American languages because it has been through schools that the harshest policies against Native American languages have been carried out and have been carried out against the most defenseless members of Native American society - little children. These provisions do not require new federal funding as they assign local funds already available for educating Native Americans to this use.

8. Sec. 3. (a) 164 (a) These provisions allows children speaking Native American languages to be educated through Native American languages if they live in their traditional area. This is consistent with the U.S. English policy statement. Howell's public schools taught through Hawaiian are a concrete example of such schools. The children in these schools have tested above the norm for children of Hawaiian ancestry in the public schools. This section also provides for the contracting of such programs to Native American language education governing bodies using the regular educational funds provided for these children. The concept of contracting education in Native American communities has proven successful especially in communities that maintain strong linguistic differences such as Rough Rock in the Navaho Reservation. The provision for hiring teachers who lack certification but who have the skills to teach and the knowledge of the language is essential for such programs to be successful.

9. Sec. 3. (a) 164 (b) This provision is parallel to the U.S. English policy statement regarding courses for children living outside their traditional areas. It would also include children living in traditional areas who did not speak their Native American language or whose parents prefer that they be educated primarily in

Commentary on Kamen&Rawlins Proposed Amendments to S 356  
page 4

English with their language taught similarly to a foreign language. Again, it is felt that teachers must be hired based on skills rather than certification and that such programs work best when controlled through contract by Native Americans. Second language courses of this sort are generally taught in American schools beginning in intermediate school. It has also been found in many Native American communities that resources in teaching languages that are no longer used by children are most effectively used when concentrated at the intermediate, high school and college levels.

10. Sec. 3. (e) 164 (c) For commonly taught foreign languages it is possible to receive college credit through proficiency tests. This provision calls for similar proficiency tests to be made available for Native American languages. Such tests already exist for several languages such as Lakota, Central Yup'ik Eskimo, and Hawaiian and could be developed and administered by the tribes associated with the remaining language at relatively minor costs. Colleges and universities receiving federal support would be required to accept such demonstrated proficiency as applicable for entrance and general education requirements. Government interest here would be to see that there be higher education attention to the study and preservation of Native American languages and that students not be penalized for studying Native American languages rather than standard foreign languages such as Spanish and French. Native American students who have extensively studied their traditional languages in high schools and tribal colleges have been denied use of those languages to fulfill requirements at non-tribal colleges and universities. This provision has parallels with the U.S. English call for special federal funding to universities and colleges to preserve and study Native American languages.

11. Sec. 3. (e) 165 and 166 renumbering

12. Sec. 3. (e) 166 (2) (A) The replacement of "foreign languages" with "languages other than English" allows the teaching of Native American languages to those who are not Native Americans. In general, however, it is expected that federal support for Native American languages will go to Native Americans themselves as clarified in Sec. 3. (e) 162, 163 (b), 163 (d), and 164.

Commentary on Kamen&Rawlins Proposed Amendments to S 356  
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13. Sec. 3. (a) 166 (2) (D) Addition of references to "individual", "safety" and "entitlements" are meant to cover the access for the limited English proficient in accordance with equal protection. These provisions deal primarily with immigrants but also apply to Native Americans in isolated areas and in certain age groups.

14. Sec. 3. (a) 166 (2) (E) Again inclusion of "voters" is meant to provide equal protection to those who have citizenship but who lack proficiency in English. Those affected are primarily elderly immigrants but includes Native Americans in isolated areas, again primarily the elderly.

15. Sec. 3. (a) 166 (2) (F). This new provision is meant to cover bilingual education - another access issue of particular interest to recent immigrants, but also an issue in the Native American community. In the case of Native Americans there are many communities where a form of non-standard English has developed based on the interaction of the traditional language with English. In Hawaii there is such a form of English known to linguists as Hawaii English Creole that is often difficult for outsiders to understand due to its unique grammar, vocabulary, intonation and pronunciation. In Hawai'i, speakers of Hawai'i English Creole have difficulty with Standard English. It has been found that Hawaiian speaking children are able to learn Standard English more easily than Hawai'i Creole English speakers and that Hawaii Creole English speakers benefit academically from learning Hawaiian along with Standard English. The provision for funding priority to programs for American citizens and American nationals is to assure that Native Americans and linguistic minorities who have long been in the United States such as the Cajuns of Louisiana, Puerto Ricans, the Gullah Creole speaking African Americans of South Carolina, American Samoans in California, and the Spanish speaking communities of Northern New Mexico receive assistance from the federal government before illegal aliens in the schools.

16. Sec. 3. 166 (3) The definition of Native American and Native American languages here given includes all American Indians, Alaska Natives, Native Hawaiians, and Native American Pacific Islanders wherever they might live and the languages spoken by these groups prior to 1492.

Commentary on Kamen&Rawlins Proposed Amendments to S 356  
page 6

17. Sec. 3. 166 (4) The definition of Native American traditional area here developed covers areas where the languages were originally spoken and communities still exist as well as areas where Native Americans were transferred to serve as reservations and similar entities (Alaska Native villages and California rancheries.) This definition also includes areas where Native American communities exist on lands that were formerly reservations such as the Cherokee speaking population in Oklahoma.

18. Sec. 3. 166 (5) This definition is based on provisions of the Bilingual Education Act of 1994. The inclusion of non-profit Native American language education groups is based on the inclusion of Native Hawaiian/Native American Pacific Islander Native Language Education Organizations in that act and recognizes that much of the educational work in Native American languages is carried out by local Native American non-profit groups.

**SECTION 4. PREEMPTION**

The inclusion of territories and possessions of the United States is important because these areas have distinct language histories and language legislation relative to their own governments.

**SECTION 5. EFFECTIVE DATE**

The date change is made because January 1, 1996 has already passed.

*National  
Congress of  
American  
Indians*

Executive Committee

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*Jamestown S'Klallam Tribe*

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S. Diane Kelley  
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Sacramento Area  
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*Puuma Band of San Luiseno*

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**Testimony of W. Ron Allen  
President, National Congress of American Indians  
Before the Senate Committee on Governmental Affairs  
Regarding the  
"Language of Government Act of 1995" - S. 356**

7 March 1996

## **L. Introduction**

Good morning Chairman Stevens, Senator Glenn, and distinguished members of the Senate Committee on Governmental Affairs. I am W. Ron Allen, Chairman and Executive Director of the Jamestown S'Klallam Tribal Council and President of the National Congress of American Indians (NCAI). I am here today in my capacity as President of the NCAI, the oldest, largest and most representative Indian tribal organization in the nation. I thank you, Mr. Chairman, for the opportunity to comment on S. 356, the "Language of Government Act of 1995".

The National Congress of American Indians was formed in 1944 and is dedicated to safeguarding the sovereign status and rights of Indian tribal governments. NCAI is made up of 205 member Tribes, and our membership includes Federally recognized as well as non-Federally recognized Tribes. NCAI's member tribes are concerned with the current wave of "English-only" legislation being introduced in Congress and the residual affects these bills may have on the teachings and usage of native languages throughout Indian country. Although some Indian tribes agree that English ought to be the primary language of the United States government, these same tribes recognize that Congress must provide basic assurances to all tribal communities that their rights to safeguard their cultures will not be diminished by this or similar legislation.

## **II. The Native American Languages Act: PL 101-477**

I want to stress that as is the case with most issues affecting Indian people, this is not a novel debate and there are precedents for it. In 1990, Congress passed the "Native American Languages Act" ("NALA")<sup>1</sup>. One of our main concerns is the continued viability of NALA in the face of English-only legislative challenges. Mr. Chairman, before I make specific comments on S.356, I want to stress that all tribes have an interest in seeing that their traditional language is not restricted. In recognizing English as the official language of the United States, Congress must, at the same time, reaffirm Indian sovereign rights regarding the use of our own

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25 U.S.C. § 2901 (1990).

languages to protect an important part of Native American culture from becoming extinct. As Congress recognized in enacting the NALA,

"(t)he Congress finds that there is a lack of clear, comprehensive , and consistent federal policy on the treatment of Native American languages which has often resulted in acts of suppression and extermination of Native American languages and cultures... (t)hese acts are in direct conflict with the United States policy of Self-Determination for Native Americans... (t)he traditional languages of Native Americans are an integral part of their cultures and identities and form the basic medium for the transmission, and thus survival, of Native American cultures, literatures, histories, religions, political institutions, and values... (t)he status of the cultures and languages of Native Americans is a unique status that recognizes distinct cultural and political rights, and the United States has the responsibility to ensure the survival of these unique cultures and languages."<sup>2</sup> (Emphasis added).

The Native American Languages Act represents federal legislation intended to fulfill the United States' trust responsibility to Indian people with regard to culture and language. This federal obligation is not inferior to whatever federal purposes are served through the promotion of S.356 or other, similar legislation.

### III. Sectional Analysis of S. 356

As you know, American Indian and Alaska Native people across the United States have rich and varied cultures. Part of these cultures are the native languages our people rely on to bind and solidify our ways of life. Without such Native languages many of our tribal cultures would wither and die off. The responsibility for preserving these languages often rests with our tribal elders. Because many of our children do not have the privilege of being exposed to tribal elders, these languages are in jeopardy of becoming extinct. Tribal schools are attempting to fill in the void by exposing our youth to these ancient languages.

Mr. Chairman, our insistence on preserving our languages, and therefore our cultures, is not a denial of the value of English in binding together the United States and its many ethnic groups. Indian tribes and Alaska Native villages, however, are not simply "ethnic groups". We are sovereign nations with our own distinctive languages, and our own inherent sovereign need to maintain the integrity of our culture and our nations. Native languages serve this invaluable purpose. Often isolated geographically, Indian people know full well the value of writing, reading, and speaking English. In engaging the outside non-Indian communities, there is no substitute for English. What we are concerned with is our continued capacity to preserve our tribal languages.

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<sup>2</sup> Id. at §102, ¶ 1-8.

**Section 162** of S.356 makes note of "an affirmative obligation" on the part of the United States to "preserve and enhance the role of English". The United States also has the solemn obligation to fulfill its treaty and trust responsibilities to Indian tribes and to preserve and protect tribal cultures. As you know, because of treaty commitments and other promises made by the federal government, the United States is obligated to preserve and protect Indian tribal lands, assets, resources, people and ways of life, including the continued ability to preserve our cultural base through the full and free use of our Native languages. As sovereign nations, we retain the right to protect and preserve our "first languages".

**Section 163(b)** of S.356 purports to not deny any government services solely because the person communicates "in English". Many Native people, including Native elders, communicate their thoughts more precisely in their Native language than in English and it would be inappropriate to deny them any governmental services due to their choice of language.<sup>3</sup>

The so-called "English-only" bills currently before Congress, including S. 356, pose real and grave threats to the tribes' capacity to preserve Native languages. Section 2(a)(6), for instance, claims to "help immigrants assimilate", an admittedly laudable goal, but Indian tribes and people clearly fall outside the purposes and stated scope of this bill.

Tribes are also concerned with **Section 2(b)(3)** which purports to "repeal existing laws that contravene this act". From our perspective, such a provision may be understood to include repealing the Native American Language Act, as mentioned above, as well as other federal statutes and programs that assist in the preservation and protection of Native languages such as the Administration for Native Americans ("ANA") within the Department of Health and Human Services. We find any such threats to NALA or related legislation not in keeping with the United States obligation to the tribes, wholly inconsistent with the maintenance and preservation of Native culture and languages into the 21st century, and totally unacceptable. If S.356 is to be adopted by this Congress, it is appropriate that specific language excepting Native languages be made part of such legislation.

#### **IV. Conclusion**

The preservation of culture, primarily through the medium of language, was one of NCAI's founding principles, and it remains a top priority. Our linguistic heritage is vital for the continuation of our cultures, which have historically undergone major assaults. Native nations across the country have expressed concern for such legislation and as a result our

<sup>3</sup> *Tagupa v. Odo*, 834 F. Supp. 630, 631-2 (D. Haw. 1994) (holding that 25 U.S.C. §2904 the "Native American Languages Act" provides Native Americans the right to express themselves in their Native language in any public proceeding, including publicly supported education programs, without restrictions).

members have adopted Resolution SD-95-013 ("Opposing H.R. 123 - English as the Official Language"); and Resolution SD-95-041 ("Opposing English-only Legislation"). I have enclosed copies of these resolutions for your consideration.

I again wish to thank you Mr. Chairman and members of this committee for the opportunity to present our concerns on S.356 and would be happy to answer any questions that the committee may have.



*National  
Congress of  
American  
Indians*

Executive Committee

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Chippewa  
First Vice President  
Suzan Master  
Yurok

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Treasurer  
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JoAnn K Chase  
Mandan Hidatsa

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### Resolution SD-95-013

**Title:** Opposing HR 123, "English" as the Official Language

WHEREAS, we the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the welfare of the Indian people, do hereby establish and submit the following resolution; and

WHEREAS, the National Congress of American Indians (NCAI) is the oldest and largest national organization established in 1944 and comprised of representatives of and advocates for national, regional, and local Tribal concerns; and

WHEREAS, the health, safety, welfare, education, economic and employment opportunity, and preservation of cultural and natural resources are primary goals and objectives of NCAI; and

WHEREAS, the Tohono O'odham Legislative Council is charged with overseeing what is in the best interest of the Tohono O'odham Nation; and

WHEREAS, the Tohono O'odham language has been declared the first language of the Tohono O'odham Nation by the Tohono O'odham Legislative Council's sanctioning of the language policy of the Tohono O'odham Nation; and

WHEREAS, all other languages other than English will negatively be impacted as will the people who consider the other languages as their first languages; and

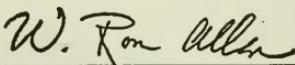
WHEREAS, declaring English as the official language of the United States is impractical;

NOW THEREFORE BE IT RESOLVED that the National Congress of American Indians strongly opposes the declaration of English as the official language of the United States; and

BE IT FINALLY RESOLVED that the National Congress of American Indians request the support of their members and tribal delegates to strongly oppose "English" as the official language of the United States of America.

#### CERTIFICATION

The foregoing resolution was adopted at the 1995 Annual Convention of the National Congress of American Indians, held at the Town and Country Hotel in San Diego, California, on October 29 - November 3, 1995 with a quorum present.



W. Ron Allen, President

#### ATTEST:

  
\_\_\_\_\_  
S. Diana Kelley, Recording Secretary

Adopted by the General Assembly during the 1995 Annual Convention of the National Congress of American Indians, held at the Town and Country Hotel in San Diego, California, on October 29 - November 3, 1995.

*National  
Congress of  
American  
Indians*

**Resolution SD-95-041**

**Title: Opposing English-Only Legislation**

**Executive Committee**

President  
galashikibos  
Chippewa

First Vice President  
Susan Masten  
Yurok

Recording Secretary  
S. Diane Kelley  
Cheyenne

Treasurer  
Mary Ann Antone  
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Charles J. Dorame  
Tempe Pueblo

Anadarko Area  
Merle Boyd  
Sac & Fox

Billing Area  
John Sunchid, Sr.  
Chippewa Cree

Juneau Area  
Willie Kassayulie  
Yup'ik

Minneapolis Area  
Marge Anderson  
Mille Lacs Ojibwe

Muskegee Area  
Rena Durican  
Chickasaw

Northeast Area  
Keller George  
Oneida

Phoenix Area  
Irene C. Cuch  
Northern Ute

Portland Area  
Bruce Wynne  
Spokane

Sacramento Area  
Hank Murphy  
Syrian

Southeast Area  
A. Bruce Jones  
Lumbee

Executive Director  
JoAnn K Chase  
Mandan Hidatsa

**WHEREAS**, we the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the welfare of the Indian people, do hereby establish and submit the following resolution; and

**WHEREAS**, the National Congress of American Indians (NCAI) is the oldest and largest national organization established in 1944 and comprised of representatives of and advocates for national, regional, and local Tribal concerns; and

**WHEREAS**, the health, safety, welfare, education, economic and employment opportunity, and preservation of cultural and natural resources are primary goals and objectives of NCAI; and

**WHEREAS**, the federal government of the United States has a unique relationship with Native American governments who have an interest in preserving and enhancing their languages to ensure the survival and continued vitality of their precious and ancient tongues; and

**WHEREAS**, the United States Congress has introduced legislation declaring English as the official language of the government of the United States; and

**WHEREAS**, Native American languages have been used by the United States government in defending America and its citizens; and

**WHEREAS**, studies indicate that the more than half of indigenous languages of the United States are considered "endangered" and may have only a handful of speakers at the end of this century; and

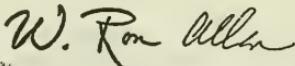
**WHEREAS**, Native American languages do not have foreign homelands whose governments and institutions can be expected to promote them; and

NOW, THEREFORE BE IT RESOLVED, that the National Congress of American Indians actively opposes the passage of legislation to amend the United States code to declare English as the official language of the government of the United States as well as efforts which would effectively end bilingual education programs in this country; and

AND BE IT FURTHER RESOLVED, that NCAI will continue to actively support the maintenance, promotion, preservation, study, teaching, artistic use and survival of the Native languages of the United States and to oppose legislation which works to prevent or hinder the maintenance, promotion, preservation, study, teaching, artistic use and survival of the Native languages of the United States.

CERTIFICATION

The foregoing resolution was adopted at the 1995 Annual Convention of the National Congress of American Indians, held at the Town and Country Hotel in San Diego, California, on October 29 - November 3, 1995 with a quorum present.



W. Ron Allen, President

ATTEST:



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S. Diane Kelley, Recording Secretary

Adopted by the General Assembly during the 1995 Annual Convention of the National Congress of American Indians, held at the Town and Country Hotel in San Diego, California, on October 29 - November 3, 1995.



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STATEMENT

OF

JUAN F. PEREA

PROFESSOR OF LAW  
UNIVERSITY OF FLORIDA COLLEGE OF LAW  
GAINESVILLE, FLORIDA 32611

CONCERNING

S. 356  
THE LANGUAGE OF GOVERNMENT ACT OF 1995

BEFORE

THE UNITED STATES SENATE

COMMITTEE ON GOVERNMENTAL AFFAIRS

MARCH 7, 1996

Mr. Chairman and Members of the Committee:

Thank you for the opportunity to testify this morning. My testimony will cover several reasons why S. 356 should not be approved by this Committee nor enacted. First, official English laws such as S. 356 are contrary to fundamental principles of American liberty. For this reason, campaigns to make English the official language or to standardize the language by governmental action have always failed. Second, official English laws, by seeking to suppress use of languages other than English, run directly contrary to the multilingual nature of our country since its inception. Third, historically American nativism has manifested itself in restrictive language laws targeted at vulnerable ethnic groups. We are in the midst of a nativist era, and the Official English movement forms part of this nativism. S. 356 and related proposals further the nativism by seeking restrictive language law targeted principally at the Spanish and Asian languages of recent immigrants. Fourth, because of the domestic and international prestige of the English language, S. 356 accomplishes no positive results--the English language needs no further support.

On the contrary, S. 356 causes serious and unforeseeable harms to many fundamental social interests. S. 356, without clearly saying so, repeals the 1975 Amendments to the Voting Rights Act. By denying equal voting rights to American citizens, S. 356 is anti-democratic. It aims to exclude linguistic minority voters from participation in American democracy and to further isolate them from their government. This legislation also causes other,

more or less foreseeable problems which should be of great concern to every member of this committee.

Finally, S. 356 is likely unconstitutional under either the First Amendment or the Equal Protection guarantee implied to be part of the due process protections of the Fifth Amendment, or both.

For all of these reasons, I believe the Committee should not approve, and the Senate not enact, S. 356 nor related proposals. This testimony is organized into two parts. Part I describes the legal history of multilingualism and the historical implementation of nativism through restrictive language laws to discriminate against unpopular immigrants and ethnic groups. Part II, beginning at page 16, assesses and analyzes the serious problems presented by S. 356.

Part I. Legal History relevant to an Assessment of Official English and S. 356

S. 356: Section 2(a)(3): "throughout the history of the Nation, the common thread binding those of differing backgrounds has been a common language;"

Movements to make English the Official Language of the country have always failed Because of English and American principles of Liberty:

This finding in S. 356 is demonstrably wrong. Legal history demonstrates that, throughout our history, many languages have coexisted in the United States. Multilingualism, and campaigns to make the English language official or standard, are nothing new in both British and American legal history. And such campaigns to make English official have always failed.<sup>1</sup>

In England, during most of the nineteenth century, there was a strong movement to standardize the English language and to make

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<sup>1</sup> Heath and Mandebach, Language Status Decisions and the Law in the United States, PROGRESS IN LANGUAGE PLANNING 87, 92(J. Cobarrubias and J. Fishman, Eds. 1983); Heath, A National Language Academy? Debate in the New Nation, 11 Intl. J. Soc. Lang. 9, 10(1976) ("Direct manipulation of the national identity in language through a national academy had not found acceptance in England, and it could not be reconciled with the democratic political theories of the United States.").

it official through an English language Academy.<sup>2</sup> This movement was opposed by prominent English intellectuals. Dr. Joseph Priestley opposed the Academy as "unsuitable to the genius of a free nation."<sup>3</sup> Dr. Samuel Johnson opposed it because it was inconsistent with the "spirit of English liberty."<sup>4</sup> Opponents of the Academy, basing their arguments on English freedom and the spirit of English liberty, prevailed and no official or standard English was ever established in England.

The United States Has Always Been a Multilingual Country

Contrary to the popular perception that English always has been the only language of the United States, Americans have spoken many languages throughout the nation's history. Spanish was spoken, and continues to be spoken, in Florida and what is now the Southwestern United States. German was spoken in Pennsylvania, Maryland, Virginia, New York and Ohio. French was spoken in Louisiana. Dutch and Swedish were spoken in New York and

<sup>2</sup> Heath and Mandebach, supra note 1 at 91; See Read, Suggestions for an Academy in England in the Latter Half of the Eighteenth Century, 36 Modern Philology 145 (1938).

<sup>3</sup> See Read, supra note 2 at 149 (quoting Priestley, The Rudiments of English Grammar (3d. ed. London 1772) at xix). Priestley later moved to America and became part of Thomas Jefferson's circle of friends and thinkers. D. Boorstin, The Lost World of Thomas Jefferson 17 (1948).

<sup>4</sup> Preface to the Dictionary, E.L. McAdam, Jr. & G. Milne, eds., Johnson's Dictionary: A Modern Selection at 27 (19\_\_).

Delaware.<sup>5</sup>

Our early leaders were keenly aware that American populations spoke languages other than English. Thus, early on, the government issued publications in languages other than English in support of the revolutionary cause and later in support of the new government. The leaders of the Revolution sought to promote the allegiance of these non-English speaking populations, and their understanding of the revolutionary cause, by issuing key documents in the German and French languages. For example, the Continental Congress issued a proclamation in French informing inhabitants of Quebec of their revolution against the King of England and inviting them to join the Revolution.<sup>6</sup> After the Revolutionary war, the Continental Congress published the Articles of Confederation in official German, French and English editions.<sup>7</sup>

Some of the Framers of our nation encouraged multilingualism so that Americans could have access to the written knowledge developed in other nations. Thomas Jefferson, for example, recommended the study of politics, law, and history in France, in order to facilitate the acquisition of the French language.<sup>8</sup> Jefferson stated that:

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<sup>5</sup> H. Kloss, The American Bilingual Tradition 11-12 (1977).

<sup>6</sup> See Juan F. Perea, "Demography and Distrust: An Essay on American Languages, Cultural Pluralism, and Official English," 77 Minnesota Law Review 269, 284-87 (1992).

<sup>7</sup> 9 Journals of the Continental Congress 1774-1789 at 1088.

<sup>8</sup> Letter from Thomas Jefferson to Thomas Mann Rudolph, Jr. (July 6, 1787), in 11 Jefferson Papers at 556-67 (1955).

[w]ith respect to modern languages, French, as I have observed, is indispensable. Next to this the Spanish is most important to an American. Our connection with Spain is already important and will become daily more so. Besides this the antient part of American history is written chiefly in Spanish.

Jefferson also urged, with varying degrees of success, his family to read Don Quijote in Spanish and other works in French to maintain their facility in those languages.<sup>10</sup>

Benjamin Rush, signer of the Declaration of Independence, also urged the study of several languages. Rush founded the German-English bilingual College established in Lancaster, Pennsylvania in 1787.<sup>11</sup> The German College, as it was called, would not only preserve the German language, but would also "open the eyes of the Germans to a sense of the importance and utility of the English language and become perhaps the only possible means, consistent with their liberty, of spreading a knowledge of the English language among them."<sup>12</sup> Like the spirit of British liberty, American liberty prevented governmental attempts to coerce

<sup>9</sup> Id. at 558. See also Letter from Thomas Jefferson to Peter Carr (Aug. 10, 1788) in Saul Padover, The Complete Jefferson at 1057 (Jefferson recommended to Carr the study of Spanish and emphasizing the importance of knowledge of the language).

<sup>10</sup> Jefferson to Martha Jefferson, Feb. 18, 1784, VI Papers of Thomas Jefferson 543-44; Jefferson to Elizabeth Wayles Eppes, Mar. 7, 1790, XVI Papers of Thomas Jefferson 208; Jefferson to Mary Jefferson, Apr. 11, 1790, Id. at 331-32; Mary Jefferson to Thomas Jefferson, Apr. 25, 1790, Id. at 384; Jefferson to Mary Jefferson, May 23, 1790, Id. at 435; Mary Jefferson to T. Jefferson, May 23, 1790, Id. at 435-36.

<sup>11</sup> 1 Letters of Benjamin Rush 364 (L.H. Butterfield, ed. 1951) ("To the Citizens of Pennsylvania of German Birth and Extraction: Proposal of a German College"),

<sup>12</sup> Id. at 366 (emphasis in original).

linguistic uniformity.

And just as in Great Britain, early attempts in America to standardize or make official the English language failed consistently. John Adams' proposal to Congress in 1780 to establish an official language academy never emerged from committee. A private academy of Language and Belles Lettres, intended to standardize and promote the English language during the 1820s, expired quietly. Jefferson opposed the Academy's goals. Chief Justice John Marshall also questioned the need for the Academy. In Marshall's view, unique characteristics of American liberty, the exceptional geographical and social mobility enjoyed by the American people and their necessary intermingling, were sufficient to maintain identity of language.<sup>13</sup> Marshall's insight also explains why English has remained the dominant language of the United States since the nation's inception, with the constant presence of groups speaking other languages. The intermingling of peoples in our nation, coupled with the early and continuous

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<sup>13</sup> American Academy of Languages and Belles Lettres, Circular III at 10, letter from John Marshall dated June 25, 1821. In this letter, Marshall expressed his belief that the intermingling of social classes in America, and not governmental or private intervention, would result in language standardization of its own momentum:

At present, the intermingling of classes; the intercommunication of well educated persons with those whose improvement is very limited; the removals from one neighbourhood and state to another distant neighbourhood, and another state; the intimate intercourse thus kept up between all ranks, and the different parts of our extensive empire, all contribute to preserve an identity of language through the United States, which can find no example in other parts of the world.

dominance of English, has resulted in virtually universal knowledge of English among American residents, without the imposition of a standard or official language by the government.<sup>14</sup>

Official Bilingualism in the States:

Particularly during much of the nineteenth century, several states had rich legal histories of official bilingualism, by which I mean statutory or constitutional recognition of languages other than English: Pennsylvania was officially bilingual in German and English; California and New Mexico were officially bilingual in Spanish and English; and Louisiana was officially bilingual in French and English.<sup>15</sup>

The implementation of official bilingualism in these several states shared common features. All the laws were required to be published in more than one language, a requirement implemented either by statute or under the state Constitution. California's constitution of 1849, for example, required that "All laws, decrees, regulations and provisions . . . shall be published in

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<sup>14</sup> According to the 1990 Census, over 97 per cent of Americans speak English well or very well. This represents a slight increase over the 94-96% of Americans who spoke English well or very well according to the 1980 census. See Joshua Fishman, 'English only': its ghosts, myths, and dangers, 74 *Intl. J. Soc. Lang.* 125, 129 (1988).

<sup>15</sup> See Juan F. Perea, "Demography and Distrust: An Essay On American Languages, Cultural Pluralism, and Official English," 77 *Minn. L. Rev.* 269, 309-27 (1992).

English and Spanish."<sup>16</sup> Other important documents, such as legislative journals and executive orders were also published in Spanish and English.<sup>17</sup>

The implementation of official bilingualism in these states was often quite extensive. In Pennsylvania, for example, the legislature authorized two State Printers, "one to do the English, and one to do the German printing of the Commonwealth."<sup>18</sup> The Pennsylvania legislature also authorized a German translator for each house of the General Assembly to translate official documents.<sup>19</sup> Each of these states had state-sponsored public education in two languages during this period.<sup>20</sup> New Mexico's official bilingualism was remarkably long-lived. New Mexico was officially bilingual between 1846 and early 1953, over one hundred years.<sup>21</sup>

The presence of officially bilingual states during significant portions of the nineteenth and twentieth centuries provides compelling evidence that national unity does not depend on

<sup>16</sup> Cal. Const. of 1849, art. XI, Section 21.

<sup>17</sup> See, e.g., Act of Apr. 29, 1852, ch. 50, Section 4, 1852 Cal. Stat. 113, 114; Act of Mar. 15, 1851, ch. 93, Section 2, 1851 Cal. Stat. 404, 405; Act of April 22, 1850, ch. 124, 1850 Cal. Stat. 340, 341.

<sup>18</sup> Act of Mar. 24, 1843, No. 56, Section 1, 1843 Pa. Laws 110.

<sup>19</sup> Act of Apr. 9, 1856, No. 280, 1856 Pa. Laws 262, 262-65.

<sup>20</sup> See Perea, Demography and Distrust at 311-15(describing bilingual education in Pennsylvania), 321(describing same in New Mexico), 325(describing same in Louisiana).

<sup>21</sup> See Act of Apr. 9, 1943, ch. 31, 1943 N.M. Laws 34; Act of Mar. 17, 1931, ch. 113, 1931 N.M. Laws 201.

linguistic homogeneity. At a time when the central government, and the country as a whole, was much weaker than now, the officially recognized of several languages did not undermine national unity. The nation grew and prospered during this period, as it has since.

Nativism has often taken the form of restrictive language laws and discrimination against non-English languages

Although multilingualism has deep roots in American history, the presence of non-English languages has also provoked much discrimination. In response to the many German speakers and the bilingual atmosphere in colonial Pennsylvania, Benjamin Franklin expressed his distaste for his German fellow citizens:

Why should the Palatine Boors be suffered to swarm into our Settlements and, by herding together, establish their Language and Manners, to the Exclusion of ours? Why should Pennsylvania, founded by the English, become a Colony of Aliens, who will shortly be so numerous as to Germanize us instead of our Anglifying them, and will never adopt our Language or Customs any more than they can acquire our Complexion?<sup>22</sup>

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<sup>22</sup> (emphasis in original). See Observations on the Increase of Mankind, in L. Ziff, Benjamin Franklin's Autobiography and Selected Writings 216, 224 (1967). In the following paragraph, Franklin laments the "darkening" of the people of America resulting from the importation of African slaves. Franklin comments that America has a fair "opportunity, by excluding all Blacks and Tawneys [African and Asians], of increasing the lovely White and Red." Id. at 224-25. These paragraphs, including the paragraph on Germans, were deleted from all editions of Franklin's essay that appeared during his lifetime except the first edition. Id.

Literacy Tests for Admission to the United States

Nativism has often taken the form of restrictive language laws targeted at immigrants or ethnic minorities. This is illustrated well by the period between about 1880 and 1924. By 1890, in response to new immigrants from southeastern Europe, a strong popular movement, fueled by American nativism, developed in favor of restrictions on immigration to the United States.<sup>23</sup> The first goal of immigration restrictionists was a literacy test for immigrants that, in theory, would exclude a large proportion of those seeking admission to the United States. The purpose of the literacy test was clear: to exclude people whose ethnicity differed from that of the majority. Advocates of the test had hoped that the literacy test would reduce immigration by 25 percent.<sup>24</sup> Legislation containing the literacy test was consistently vetoed by successive presidents.

President Taft's 1913 veto of the immigration legislation including the literacy test is particularly instructive. Taft relied on the objections of his Secretary of Commerce, Charles Nagel, in vetoing the legislation.<sup>25</sup> The heart of President Taft's and Secretary Nagel's objections to the literacy test was its use as an indirect, disguised device for exclusion of immigrants

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<sup>23</sup> Robert Divine, *American Immigration Policy, 1924-1952* at 3 (1957).

<sup>24</sup> *Id.* at 5. See also Dennis Baron, *The English-Only Question* at 57.

<sup>25</sup> See Taft's Veto of Literacy Test for Immigrants (Feb. 14, 1913) reprinted in 2 Henry S. Commager, *Documents of American History* 77-78(7th ed. 1963).

because of their national origin.<sup>26</sup> When the literacy test ultimately was adopted over several vetoes, Congress had established a precedent for the use of language as a proxy for national origin. Increasing literacy rates in Southern Europe and the postwar migration of educated Europeans, however, made a simple literacy test ineffective as an exclusionary device. When this failure became apparent, Congress passed the infamous national origins quota legislation creating numerical quotas for immigrants from certain nations.<sup>27</sup>

Nativism targeted at the German Language and Culture in America:

America during 1910-1914 was in an era of growing nativism, during which the nation was again groping for a sense of national

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<sup>26</sup> Nagel objected to the legislation for several reasons. First, proponents of the literacy test, who had originally justified the test as a measure for selecting only literate immigrants, had changed position and now attempted to defend it as "a practical measure to exclude a large proportion of immigrants from certain countries." Letter from Charles Nagel to William Howard Taft (1913), in 2 Commager, cited supra at 77. Nagel objected to the change in justifications, because "[t]he measure proposed to reach its result by indirection, and is defended purely upon the ground of practical policy, the final purpose being to reduce the quantity of cheap labor in this country." *Id.* (emphasis added). Nagel concluded that the test was "based upon a fallacy in undertaking to apply a test which is not calculated to reach the truth and to find relief from a danger which really does not exist." *Id.* Taft's veto of the literacy test, therefore, was based in large part on his objection to the use of a literacy test as a proxy for the goal of excluding certain undesirable immigrants, potential immigrants from southern Italy, Poland, Mexico, and Greece, because of their national origin.

<sup>27</sup> See John Higham, *Strangers in the Land* 308-11(2d ed. 1988); Edward P. Hutchinson, *Legislative History of American Immigration Policy 1798-1965* 468-70 (1981).

unity.<sup>28</sup> World War I provided a focus for this nativism, forging and solidifying it into a hammer against the German people of America. "The struggle with Germany . . . called forth the most strenuous nationalism and the most pervasive nativism that the United States had ever known."<sup>29</sup> Nativism takes aim at the ethnicity of "enemy people," in this case American Germans. At the time, Germans were the largest national-origin group of immigrants in America, numbering more than 2.3 million persons.<sup>30</sup>

The wartime hysteria yielded unprecedented demands for conformity, embodied in the movement for "100 per cent Americanism." One hundred percent Americans, "felt sure that the nation would never be safe until every vestige of German culture had been stamped out."<sup>31</sup> The nativism led to the imprisonment, public flogging and lynching of Germans.<sup>32</sup>

Nativists sought to destroy the German culture in America, by eliminating the German language press and the use of German. "To Kill or Use Our German Press?" asked the Literary Digest of May 11, 1918. The Governor of Iowa banned the use of any language other than English "in all schools, church services, conversations in public places or over the telephone."<sup>33</sup>

<sup>28</sup> John Higham, *Strangers in the Land* 195 (2d ed. 1988).

<sup>29</sup> Id.

<sup>30</sup> Id. at 196, 388 n.2.

<sup>31</sup> Id. at 208.

<sup>32</sup> Id. at 209-10.

<sup>33</sup> John Higham, *Strangers in the Land* 248 (2d ed. 1988).

Killing the German culture in American society also meant killing it in the schools. By 1919, fifteen states had banned the teaching of foreign languages, and required English to be the sole language of instruction in primary schools, both public and private.<sup>34</sup> Nebraska's statute prohibited the teaching of any language other than English to students who had not passed the eighth grade.<sup>35</sup> For the Nebraska courts, who affirmed Robert Meyer's conviction for violating this statute, as for many Americans past and present, a foreign mother tongue was "foreign to the best interests of this country."<sup>36</sup>

The United States Supreme Court, more detached from the nativism of the time, reversed Meyer's conviction and found that the statute violated substantive due process rights under the fourteenth amendment.<sup>37</sup> The Court wrote, significantly, that "[t]he protection of the Constitution extends to all, to those who speak other languages as well as to those born with English on the tongue."<sup>38</sup>

The war against Germany yielded an unprecedented fear of German-American ethnicity, resulting in intensified demands for conformity with the core Anglo-Saxon culture and the dismemberment

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<sup>34</sup> Id. at 260.

<sup>35</sup> Meyer v. Nebraska, 262 U.S. 390, 397 (1923).

<sup>36</sup> Meyer v. State, 187 N.W. 100, 101 (Neb. 1922), rev'd, 262 U.S. 390 (1923).

<sup>37</sup> Meyer v. Nebraska, 262 U.S. 390, 401 (1923).

<sup>38</sup> 262 U.S. at 401.

of the German culture and language in America. A crisis had spawned intense social and legal suppression of ethnic traits associated with the enemy.

This brief history demonstrates several important propositions which are directly relevant in evaluating S. 356. Nativism, majoritarian hostility directed at vulnerable ethnic groups, often takes the form of seemingly neutral language regulations. Thus the anti-immigrant sentiment of the late nineteenth century found its first legal expression in the form of literacy tests meant to exclude new immigrants presumed illiterate. When World War I fueled intense hatred of German-American peoples, early legal responses were to restrict the use, teaching and publication of the German language. We must learn from this history that majoritarian dislike of unpopular immigrant and ethnic groups often takes the form of restrictive language laws which act as a proxy for the national origin or immigration status of unpopular minorities. Exactly the same thing is happening now with the official English legislation before this committee.

Part II. An Assessment of Official English and S. 356Official English is a Nativist Response to Unwelcome Immigration

Nativism tends to grow and to flourish at times of national stress, often in response to unwelcome immigration or wartime. Today's stress comes from the combination of a perceived immigration crisis and real economic duress faced by many Americans. Nativism yields restrictive laws aimed at persons whose ethnicity differs from that of the core culture, ostensibly to serve the goals of national unity or national security. Another feature common to nativist movements is the desire to disenfranchise certain Americans, or to make more difficult the immigration or naturalization of aspiring Americans.

The official English movement of the 1980s and 1990s, and its current incarnation in S. 356 and related legislation, is part of this ignoble tradition.<sup>39</sup> Many commentators agree that the cause of the Official English movement is the large, and largely unwelcome, immigration of many Latinos and Southeast Asians during

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<sup>39</sup> For discussions on law, language policy and the official English movement, see J. Crawford, *Language Loyalties: A Source Book on the Official English Controversy*(1992)(collecting articles discussing various aspects and views of the Official English movement); B. Piatt, *Only English?: Law and Language Policy in the United States* (1990); D. Baron, *The English-Only Question* (1990); Vol. 60, *Int'l J. Soc. Lang.* (1986)(presenting various viewpoints on the Official English Amendment).

recent decades.<sup>40</sup> S. 356 renews the claim that national unity depends on legislated linguistic conformity with the English language of the majority. Since its inception, the official English movement has sought the elimination of multilingual voting ballots. This can be accomplished only through the repeal of the 1975 amendments to the Voting Rights Act. S. 356 repeals these 1975 amendments to the Voting Rights Act, though it does so in indirect, unclear language apparently intended to hide this result.

S. 356 accomplishes nothing beneficial

S. 356, Section 2(a)(6): "the purpose of this Act is to help immigrants better assimilate and take full advantage of economic and occupational opportunities in the United States;"

Despite this laudable purpose, S. 356 does absolutely nothing to accomplish this purpose. In its findings the legislation states that the United States "should maintain a language common to all people." With respect to this goal, this legislation is entirely unnecessary. According to the 1990 census, over 97 per cent of

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<sup>40</sup> See, e.g., Juan F. Perea, "Demography and Distrust: An Essay on American Languages, Cultural Pluralism, and Official English," 77 Minnesota Law Review 269, 343-46 (1992) (describing the nativist origins of official English and the views of former chair of U.S. English, John Tanton); Antonio J. Califa, "Declaring English the Official Language: Prejudice Spoken Here," 24 Harv. C.R.-C.L. L. Rev. 298-99; Joshua A. Fishman, "'English Only':its ghosts, myths, and dangers," 74 Int'l J. Soc. Language 125, 133-34 (1988) (sources of movement are insecurities of anglo-mainstream middle class Americans worried about their loss of social power and nativism); David Marshall, The Question of an official language: language rights and the English Language Amendment, 60 Int'l. J. Soc. Lang. 7, 11-13(1986).

Americans speak English well or very well.<sup>41</sup> This represents a slight increase since the 1980 census, which reported that between 94-96 per cent of Americans spoke English. A recent GAO study confirms the overwhelming dominance of English with respect to publications of the Federal government. Only 265 of over 400,000 titles published by the Government Printing Office, approximately 0.06 percent, were published in languages other than English.<sup>42</sup> In other words, over ninety-nine percent of these Federal documents were published in English. This statistic provides further evidence that S. 356 is entirely unnecessary to support the English language in this country.

In addition to its domestic hegemony, English enjoys virtual hegemony as an international language of business, commerce, and interaction between nations. The unparalleled international status of English as "the world's most prestigious, most effective, and most sought-after vehicle of communication" further reinforces its importance.<sup>43</sup> Given its unparalleled domestic and international

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<sup>41</sup> See "Language Spoken at Home and Ability to Speak English for United States, Regions and States: 1990," U.S. Department of Commerce, Bureau of the Census 1990 CPH-L-133, Table A. I calculated the 97% figure by adding the number of English-only speakers (198.6 million) to the number of persons speaking other languages who also spoke English very well(17.8 Million) and well(7.3 million). Dividing this sum (223.7 million) by the whole census count(230.4 million) yields 97.1% of Americans proficient in English.

<sup>42</sup> See GAO/GGD-95-243R, *Federal Foreign Language Documents*, GAO report prepared in response to a request by Senator Shelby, Sept. 20, 1995.

<sup>43</sup> Joshua A. Fishman, "'English only': its ghosts, myths, and dangers," 74 Int'l J. Soc. Language 125, 129 (1988).

status, concerns about deterioration of English as the dominant language of the United States are greatly overstated. And English has flourished to this degree in the absence of federal official English legislation. Whatever unity can be accomplished through language already exists, given that 97% of Americans are proficient in English. Given these facts, S. 356 is simply unnecessary.

Despite its avowed goal to support the English language, there is nothing in the bill guaranteed to enhance anyone's facility in English. If this were the goal then efforts and money should be dedicated to English-language education and this should be an education bill, not an official English bill. Rather than enhance efforts at English-language instruction, the bill only states that any monetary savings accruing from the legislation "should" be used for such instruction.

S. 356 causes serious and unforeseeable harm to many important interests

S. 356, Section 2(b)(1): "The amendments made by section 3--(1) are not intended in any way to discriminate against or restrict the rights of any individual in the United States."

S. 356, Section 2(a)(8): "the use of a single common language in the conduct of the Federal Government's official business will promote efficiency and fairness to all people."

While this may be the intent of the legislation, it is unmistakable that S. 356 repeals portions of the Voting Rights Act,

and so restricts the political participation of ethnic minority groups. This bill will also exacerbate ethnic tensions in the country and cause unforeseen inefficiency and mischief within the federal government itself. This legislation will discriminate against and restrict the rights of vulnerable language-minority groups who have been recognized victims of discrimination.

S. 356 repeals the 1975 Amendments to the Voting Rights Act, without saying so

S.356 repeals the 1975 Amendments to the Voting Rights Act. The 1975 Amendments to the Voting Rights Act, which provide for bilingual ballots in certain geographic areas, had a purpose: to eliminate pervasive discrimination in access to voting against citizens who spoke languages other than English. Congress found that "voting discrimination against citizens of language minorities is pervasive and national in scope."<sup>44</sup> Furthermore, Congress found that "[p]ersons of Spanish heritage are the group most severely affected by discriminatory practices, while the documentation of discriminatory practices concerning Asian Americans . . . was substantial."<sup>45</sup> None of these conditions that the Senate found to be true in 1975 have improved, and perhaps conditions have worsened. Repeal of this legislation will likely return this

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<sup>44</sup> 42 U.S.C. §1973b(f)(1)(1982).

<sup>45</sup> S. Rep. No. 295, 94th Cong., 1st. Sess., reprinted in 1975 U.S. Code Cong. & Admin. News 774, 797.

country resolutely to the pervasive discrimination because of language that existed prior to its enactment.

It has long been a principal aim of official-English advocates to repeal these parts of the Voting Rights Act. S. 356 seeks to take away voting rights, and to deny the right to vote to American citizens whose language may not be English. The goals of this legislation are anti-democratic, seeking to deny the franchise to American citizens. It is hard to understand why Congress would deliberately deny voting rights to any group, and particularly to groups that Congress has found to be historically excluded from political participation.

And there should be no mistake that the effect of S. 356 will be to reduce voter participation among members of linguistic minority communities. English-only ballots disenfranchise citizens who, for various reasons, have retained a language other than English.<sup>46</sup> A 1992 study by the Mexican American Legal Defense and Educational Fund(MALDEF) found "considerable use of bilingual election services among Latino voters in the Southwest."<sup>47</sup> The most likely users of bilingual assistance are "older, less

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<sup>46</sup> The burden of English-only ballots is even worse in light of evidence that some persons may experience great difficulty in acquiring a second language. See Juan F. Perea, "English-Only Rules and the Right to Speak One's Primary Language in the Workplace," 23 U. Mich. J. L. Ref. 265, 279-82 & nn.90-110(1990)(citing studies demonstrating the difficulties of acquiring a second language under certain conditions). Congress acknowledged these difficulties by creating an exception to the English literacy requirement for naturalization. See 8 U.S.C. Section 1423(1) (1988 & Supp. III 1992).

<sup>47</sup> See Esteban Lizardo, *Bilingual Elections: Latinos, Language and Voting Rights* 20, 52 (1992).

educated, and poorer Latino citizens."<sup>48</sup> According to a 1982 MALDEF study, 72 percent of monolingual Spanish-speaking citizens would be less likely to vote without the language assistance mandated by the Voting Rights Act.<sup>49</sup> Similarly, monolingual citizens speaking other languages also would be disenfranchised.

Since the direct goal of repealing parts of the Voting Rights Act is politically unattractive, S. 356 makes no mention of its effects. This bill merely accomplishes its antidemocratic goals through an attempt at slight of hand: Section 2(b)(3) of the legislation says "except where an existing law of the United States directly contravenes the amendments made by section 3 (such as by requiring the use of a language other than English for official business of the United States)," no repeal is intended. Since the Voting Rights Act does require use of languages other than English in elections, its partial repeal is directly intended, though only indirectly inferable. To attempt to repeal such significant legislation without specific mention is at best misleading and confusing and at worst deceptive legislative drafting calculated to deceive the public about what S. 356 will accomplish.

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<sup>48</sup> Id. at 52.

<sup>49</sup> Antonio J. Califa, "Declaring English the Official Language: Prejudice Spoken Here," 24 Harv. C.R.-C.L. L. Rev. 293, 306 n.104 (citing R. Brechetto, *Bilingual Elections at Work in the Southwest* 100, table 28 (1982)).

S. 356 damages other important interests in ways that Congress cannot anticipate

S. 356 damages other important interests the full extent of which the Senate cannot anticipate. And, as with the partial repeal of the Voting Rights Act, there is absolutely no clarity regarding its effects and intentions. This legislation may repeal, or profoundly affect, the Bilingual Education Act. This legislation will presumably make illegal the use of multilingual ballots in union elections administered by the National Labor Relations Board. Accordingly, this legislation should be opposed by labor unions, who have recently sought to revitalize the labor movement in this country through recruitment of members of language minorities.

S. 356 may also have significant and dangerous effects on the law enforcement activities of the F.B.I., the Justice Department, the Customs Service, and the Immigration and Naturalization Service, just to give a few examples. This bill may prevent federal elected officials, such as members of the Senate, from attempting to campaign using languages other than English with their constituents who speak those languages.<sup>50</sup> Under S. 356, can

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<sup>50</sup> Representative Eckhardt, in debating re-enactment of the 1975 Amendments to the Voting Rights Act, stated:

How many of us did not take out ads in newspapers in Spanish, German, Hungarian, Polish? How many of us did not put out our campaign literature in foreign languages or put radio ads on in foreign languages . . . How many of us have stuffed ourselves with pierogi, chitlins, tortillas, kielbasa, lasagna, matso ball soup, while we ogle for votes and tell the people how much we are like them? And now we turn our backs on these same people who trusted us with the amendment. Why

any materials paid for in part by federal funds be prohibited, such as multilingual election materials?

Section 164 of the legislation is breathtaking in its possible scope and breadth. "Any person alleging injury arising from a violation" of the official English law may sue in the federal courts. Anyone, and everyone, who is unhappy with a multilingual ballot or pamphlet will be able to sue in federal court to enjoin use of multilingual materials. At a time when wars on drugs and on crime are being fought through the federal courts, does the Senate really want to declare war on languages other than English, and further clog the arteries of the federal courts?

S.356 is Likely Unconstitutional:

In addition to being ill-advised and ill-considered, S. 356 is probably unconstitutional under at least two provisions of the Constitution. The United States Court of Appeals for the Ninth Circuit recently concluded that Arizona's official English law, which is very similar to S. 356, violated the First Amendment's guarantee of freedom of speech because of its chilling effect on the speech of bilingual employees.<sup>51</sup> The court wrote that the Arizona law violated the First Amendment because the law "unduly

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do we not put our votes where our stomachs have been and where our campaigns have been?

Congressional Record, House 6996, October 5, 1980, quoted in Robert R. Brischetto, Ed., *Bilingual Elections at Work in the Southwest* 30 (1982).

<sup>51</sup> *Yniguez v. Arizonans for Official English*, 69 F.3d 920 (1995).

burdens their [government employees'] rights as well as the speech interests of a portion of the populace they serve." Significantly, the court described the American tradition of tolerance and the way in which official English laws trample that spirit of tolerance:

the American tradition of tolerance . . . recognizes a critical difference between encouraging the use of English and repressing the use of other languages. Arizona's rejection of that tradition has severe consequences not only for its public officials and employees, but for the many thousands of Arizonans who would be precluded from receiving essential information from their state and local governments if the drastic prohibition contained in the provision[, like S. 356,] were to be implemented.<sup>52</sup>

These same principles would require invalidation of S. 356.

S. 356 also likely violates the Equal Protection guarantee of the due process clause of the Fifth Amendment.<sup>53</sup> The Supreme Court has recognized that classifications that exclude persons "by reason of their ethnicity" violate the equal protection clause.<sup>54</sup> The Court plurality explained that "[i]t may well be, for certain ethnic groups and in some communities that proficiency in a particular language, like skin color, should be treated as a surrogate for race under an equal protection analysis."<sup>55</sup> S. 356 creates inequality by giving governmental sanction to an ethnic trait of the majority, English, and simultaneously creating second-class status for all other languages spoken by Americans. The act of

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<sup>52</sup> 69 F.3d at 923.

<sup>53</sup> See *Bolling v. Sharpe*, 347 U.S. 497 (1954).

<sup>54</sup> *Hernandez v. New York*, 111 S. Ct. 1859, 1868-69 (1991).

<sup>55</sup> *Hernandez*, 111 S. Ct. at 1872.

making English official simultaneously makes every other language, and the speakers of other languages, unofficial and second-class.<sup>56</sup> The kind of inequality and coercion created by official English legislation has been recognized by the Supreme Court in its decisions interpreting the establishment clause of the First Amendment.<sup>57</sup>

Conclusion:

Proponents of S. 356 should face a very difficult time making any persuasive argument for its necessity and its legality. Over 97 per cent of Americans are proficient in English, making this legislation quite unnecessary. Given its domestic and international prestige, English needs no further support. This legislation's principal purpose is anti-democratic, to repeal the 1975 Amendments to the Voting Rights Act and so to deny effective access to voting for some American citizens. Its scope, while entirely undefined, will operate to restrict unforeseen and necessary governmental functions in languages other than English. Its standing provisions will clog the already-overburdened courts with challenges to even legitimate governmental uses of languages other than English. And the legislation, by restricting the use

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<sup>56</sup> See Juan F. Perea, "Demography and Distrust: An Essay on American Languages, Cultural Pluralism, and Official English," 77 Minnesota Law Review 269, 363-71 (1992).

<sup>57</sup> See, e.g., Lee v. Weisman, 112 S. Ct. 2649, 2655 (1992) (recognizing the unconstitutionality and coercion presented by state endorsement of an invocation and benediction at a high school graduation). See also Perea, supra n.54, at 363-71.

of languages of many Americans, will breed great resentment among minority communities. In addition, the legislation is likely unconstitutional.

All of these costs, all of this damage, for what benefit? To reassure insecure Americans that their language isn't threatened, when there is no threat? If linguistic conformity were a good proxy for national unity, we would have fallen apart as a nation during the time when several states were officially bilingual. And it never happened. Indeed, our worst political crises, the Revolutionary War and the Civil War, were fought between people of similar ethnicity who spoke the same language. Homogeneity in language, therefore, is a poor proxy for national unity.

Our national unity, forged from racially, ethnically and linguistically diverse peoples, results from shared values that transcend coerced conformity to the English language. National unity results from our shared commitment to constitutional and social values of fairness in treatment by our system of government, our shared commitment towards equality of treatment and opportunity, and our shared commitment to democratic principles of government, among other important American values. It is ironic that S. 356, and official English legislation generally, violates all of these fundamental principles of American democracy. S.356, allegedly in the service of national unity, betrays the fundamental American values that make unity possible.

The question that proponents of this legislation must answer is why, after 220 successful years as a nation without such a law,

why is official English necessary now? I believe there is no satisfactory answer. Accordingly, this bill should meet the same fate as the first official English proposal, John Adams's 1780 proposal that Congress establish an English Language Academy. Adams's proposal never emerged from the committee of Congress that considered it. So too, S. 356, and like proposals, should not emerge from this committee.

Thank you.



## TESTIMONY OF REP. PETER T. KING

## ENGLISH AS THE COMMON LANGUAGE

## SENATE COMMITTEE ON GOVERNMENTAL AFFAIRS

DECEMBER 6, 1995

MR. CHAIRMAN, I WOULD LIKE TO COMMEND YOU FOR HOLDING THIS HEARING ON MAKING ENGLISH THE OFFICIAL LANGUAGE OF THE UNITED STATES.

FOR THE FIRST 190 YEARS OF OUR NATION'S HISTORY, MILLIONS OF IMMIGRANTS CAME TO OUR SHORES KNOWING THAT THEY WERE EXPECTED TO LEARN ENGLISH SO THAT THEY AND THEIR CHILDREN COULD BREAK FREE FROM THE SHACKLES OF THE GHETTO AND CLAIM THEIR SHARE OF THE AMERICAN DREAM. AND IT WORKED. THE GREAT AMERICAN MOSAIC OF COUNTLESS IMMIGRANT CULTURES, TRADITIONS AND BELIEFS BOUND TOGETHER BY THE GLUE OF A COMMON LANGUAGE BECAME THE ENVY OF THE WORLD.

UNFORTUNATELY, THE PURVEYORS OF POLITICAL CORRECTNESS HAVE BEEN SUCCESSFUL IN INSTITUTING BIG GOVERNMENT PROGRAMS TO ACTIVELY DISSUADE NEW IMMIGRANTS FROM LEARNING ENGLISH.

CURRENT LAW ACTUALLY MANDATES MULTILINGUAL PROGRAMS AND SERVICES. THE U.S. DEPARTMENT OF EDUCATION REQUIRES BILINGUAL CLASSES BE PROVIDED TO SCHOOL CHILDREN. LOOK AROUND ANY MAJOR CITY AND YOU WILL SEE GOVERNMENT-SANCTIONED SIGNS IN OTHER

CITY AND YOU WILL SEE GOVERNMENT-SANCTIONED SIGNS IN OTHER LANGUAGES; IN NEW YORK STATE DRIVER'S LICENSE TESTS ARE GIVEN IN 21 LANGUAGES; IN THE CITY OF LOS ANGELES THERE ARE 6 LANGUAGES ON THE VOTING BALLOT; AND CLASSES IN NEW YORK CITY PUBLIC SCHOOLS ARE TAUGHT IN 115 LANGUAGES. IT SHOULD COME AS NO SURPRISE THAT AMERICA HAS BECOME A VIRTUAL TOWER OF BABEL.

AFTER 27 YEARS AND BILLIONS OF TAXPAYER DOLLARS, ONE THING IS CLEAR -- BILINGUAL EDUCATION IS A COSTLY FAILURE. THE NEW YORK CITY BOARD OF EDUCATION ADMITTED AS MUCH IN A REPORT IT RELEASED LAST YEAR. THIS REPORT SHOWED THAT LIMITED ENGLISH PROFICIENT CHILDREN WHO WERE TAUGHT IN ENGLISH FARE FAR BETTER THAN THOSE WHO RECEIVED INSTRUCTION IN THEIR NATIVE LANGUAGE. IN FACT 90% OF THE STUDENTS WHO ENTER BILINGUAL EDUCATION BETWEEN SIXTH AND NINTH GRADE FAIL TO MOVE ON TOWARD REGULAR CLASSES WITHIN THE REQUIRED THREE YEAR PERIOD.

NEARLY THREE DECADES OF LINGUISTIC WELFARE HAVE DISCOURAGED NEW AMERICANS FROM LEARNING ENGLISH AND BARRED THEIR ACCESS TO THE AMERICAN DREAM. IT IS TIME TO END THESE HARMFUL PROGRAMS AND HELP THESE NEW AMERICANS ACHIEVE THEIR RIGHTFUL PLACE IN SOCIETY. THAT IS WHY I HAVE INTRODUCED THE NATIONAL LANGUAGE ACT, HR 1005.

MY LEGISLATION WILL DECLARE ENGLISH THE OFFICIAL LANGUAGE OF THE UNITED STATES; REQUIRE THAT ALL GOVERNMENT PUBLICATIONS BE PRINTED IN ENGLISH; TERMINATE THE OFFICE OF BILINGUAL EDUCATION AND USE THE SAVINGS FOR DEFICIT REDUCTION; PROVIDE STUDENTS WITH

A TRANSITION PERIOD TO ENGLISH AS A SECOND LANGUAGE PROGRAMS; REQUIRE BALLOTS TO BE PRINTED IN ENGLISH; AND REQUIRE CITIZENSHIP CEREMONIES TO BE IN ENGLISH. HR 1005 IS COSPONSORED BY 36 MEMBERS IN THE HOUSE.

SUPPORT FOR MAKING ENGLISH THE OFFICIAL LANGUAGE HAS NEVER BEEN GREATER. POLL AFTER POLL SHOW THAT OVERWHELMING MAJORITIES OF AMERICANS ENTHUSIASTICALLY SUPPORT OFFICIAL ENGLISH. BOTH SPEAKER NEWT GINGRICH AND SENATE MAJORITY LEADER BOB DOLE HAVE ALSO ENDORSED MAKING ENGLISH THE OFFICIAL LANGUAGE. CLEARLY THE TIME TO ACT IS NOW.

THE ENGLISH LANGUAGE IS, AND HAS ALWAYS BEEN, THE COMMON BOND THAT UNITES US. A NATION WITH MORE THAN ONE OFFICIAL LANGUAGE CANNOT FUNCTION EFFECTIVELY OR WITH ANY DEGREE OF EQUALITY. BILINGUALISM CREATES TWO SOCIETIES THAT ARE BOTH SEPARATE AND VERY UNEQUAL.

I LOOK FORWARD TO WORKING WITH YOU, MR. CHAIRMAN, AND THE OTHER MEMBERS OF THE COMMITTEE TO PROVIDE INCENTIVE AND OPPORTUNITY TO IMMIGRANTS WHO SEEK TO BECOME PRODUCTIVE MEMBERS OF SOCIETY.

THANK YOU, MR. CHAIRMAN.

NEIL ABERCROMBIE  
1ST DISTRICT, HAWAII  
REGIONAL WHIP



COMMITTEE ON  
NATIONAL SECURITY  
COMMITTEE ON  
RESOURCES

## Congress of the United States

House of Representatives

Washington, D.C. 20515

### Testimony of

Honorable Neil Abercrombie  
First District of Hawaii

March 7, 1996

Before the Senate Committee on Governmental Affairs  
Hearing on S.356, English as the Official Language

Mr. Chairman and Members of the Committee, as the Member of Congress who has the honor of representing the district with the highest percentage of Asian-Pacific Americans and as a founding Member of the Congressional Asian Pacific American Caucus, I appreciate the opportunity to offer testimony opposing legislation to make English the official language of the United States.

For 219 years, the United States of America has existed without an official language. This legacy continues because English is without question the dominant language in this country. Proposals in the 104th Congress that would declare English as the official language are unnecessary, encourage narrowmindedness and discriminate against citizens whose primary language is not English.

Further, it is unjust for the federal government to prohibit millions of indigenous people – American citizens born in the United States or its territories – from communicating to their government in languages other than English. For millions of Native Americans, Americans on the island of Puerto Rico, or territories in the Pacific, the right to communicate in a native language is protected by treaty or custom.

In the State of Hawaii there has been a concerted effort to protect the Native Hawaiian culture from oblivion. An essential part of this includes a campaign to expand the use of the Native Hawaiian language. I am proud to have played a part in this campaign as a State Senator who advanced the creation of the Hawaiian Language Immersion Program. Throughout history Native Hawaiians placed a very high value on the power of language. In recognition of this fact, the State constitution recognizes the traditional language of the Native Hawaiian people as an official language of the State of Hawaii. We, as Members of Congress, must be sensitive to the needs and concerns of indigenous peoples. We must ensure that in putting forth legislation it does not cause harm to their culture, and religious customs, beliefs, practices and language.

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Contrary to the intent of the English-only legislation, I believe we should be doing more to encourage all citizens to learn a second and even a third language. Not only is it important for younger generations to have a connection with their heritage, it is imperative that the students of today, especially in Hawaii, learn another language to effectively compete in the global marketplace. Declaring English as our official language would send exactly the wrong message to those in our global workforce who maintain their fluency in other languages for both economic and cultural reasons. Instead of discouraging the use of languages other than English, we should be promoting multi-lingualism as an economic necessity.

I do believe that every American should learn and be proficient in the English language. However, as a nation of immigrants with a strong tradition of embracing ethnic diversity, and out of respect for the variety of cultures and languages within our country, I do not believe that a congressionally mandated national language standard is necessary. We are bound together not by an official language, but by shared values of freedom, democracy, and tolerance. Among the diverse cultures and people who call the United States home, it is those shared values that unite us and make us strong.

**TESTIMONY OF MEMBERS OF THE HAWAII COUNCIL**

**ON LANGUAGE POLICY AND PLANNING:** William Hoshijo, Esq., Executive Director,

Na Loio No Na Kanaka (The Lawyers for the People of Hawai'i); Dr. No'cua Warner,

Department of Hawaiian and Indo-Pacific Languages and Literatures, University of Hawai'i at Manoa; Dr. Kathryn A. Davis, Department of English as a Second Language (ESL), University of Hawai'i at Manoa; Melody Pai, Project Coordinator, Immigrant Center; Gerald Oita, Health Care; John Tomoso, Social Worker; Thomas J. Posedly,

Aloha State Association of the Deaf; M. Alohalani Boido, Interpreter; Margaret A. Dufon, Second Language Acquisition Program, University of Hawai'i at Manoa; Marilyn Plumlee, Department of Linguistics, University of Hawai'i at Manoa.

**HEARING ON ENGLISH  
AS THE OFFICIAL LANGUAGE OF THE GOVERNMENT OF  
THE UNITED STATES**

A number of bills have been put forward to make English the "official" language of the United States. We direct our comments here to the issues raised by all bills concerned with Official English Policy legislation.

Members of the Hawai'i Council on Language Policy and Planning from across our State can not help but wonder what the true purpose is behind the proposed English language legislation. S. 356 states that "the purpose of this Act is to help immigrants better assimilate and take full advantage of economic and occupational opportunities in the United States". Also, "by learning the English language, immigrants will be empowered with the language skills and literacy necessary to become responsible citizens and productive workers in the United States". This suggests that: 1) immigrants in the U.S. do not acquire English language and literacy skills and 2) immigrants in the U.S. are not capable of taking advantage of economic and occupational opportunities in the U.S.. We would like to address these two issues as well as discuss the implications of a English Language Policy for Native American languages, such as Hawaiian.

*Immigrants Acquire English Language and Literacy Skills*

According to the 1990 U.S. Census, even though 13.8 percent of residents speak languages other than English at home, 97 percent of those above the age of four speak English "well" or "very well." Contrary to the implication of some sort of "resistance to English" among language minorities, immigrants are learning English and recent arrivals are on waiting lists in the thousands to be enrolled in English as a Second Language (ESL) classes. In the State of Hawai'i alone, the demand for ESL classes far exceeds our capacity for providing these services. Since immigrants are already anxious to learn English, an English language policy will have absolutely no effect on immigrant English language learning. If the U.S. government truly wishes to assist immigrants in learning English language and literacy skills, the simple and most efficient solution is to provide the funding needed for ESL classes and other forms of language learning education.

Assisting immigrants in learning English is not the purpose behind the English language legislation. The purpose and effect for passing this legislation is to decrease funding for language and other services to immigrants. S. 356 indicates that "any monetary savings derived by the Federal Government from the enactment of this Act should be used for the teaching of non-English speaking immigrants the English language". This statement and other comments by supporters of English Policy legislation give the false impression that immigrants are not learning English and that a great deal of the general taxpayers' money is currently being spent on immigrant language and social services. These are blatantly untrue. According to a report by the U.S. Congressional Hispanic Caucus (1994), "Immigrants pay \$27.4 billion more in taxes (annually) than they consume in government services". Thus, immigrants are paying taxes far in excess of the services they receive. Inspite of the undeniable contribution of immigrants, they are being denied access to the English language education which they need and desire. In fact, the costs of most services provided to immigrants fall to state and local governments (Testimony by Michael E. Fix and Jeffrey S. Passel, House Ways and Means Subcommittee on Human Resources, Nov. 15, 1993).

The denial of English language classes for immigrants due to inadequate funding compounds the problems immigrants face, because they are being denied equal access to needed services before they have acquired sufficient proficiency in the English language. Second language acquisition experts have irrefutably shown that at least four years are required to become proficient enough in English to engage in such endeavors as discussing a pending medical procedure or filing tax forms. The following are just two case examples reported at the Hawai'i Civil Rights Commission Hearing in July of 1993, which document the results of inadequate language assistance to immigrants.

A small immigrant child had a cast put on his arm at a hospital emergency room because a language barrier prevented communication of the fact that the arm was not injured and the child was there for treatment of a breathing difficulty. The parents signed a consent form in English without understanding it.

A child was taken away from immigrant parents by Child Protective Services on a Friday evening because of bruises reported by the child's teacher. Three days passed before the frantic non-English speaking parents were able to find out where the child was and explain that the bruises were the result of a blood condition.

Few American citizens, whose forebears are immigrants, would want recent arrivals to pay taxes yet receive inadequate help in acquiring English or getting services which help, rather than harm, them and their children.

*Immigrants in the U.S. are capable of taking advantage of economic and occupational opportunities in the U.S.*

The underlying implication of helping immigrants "take full advantage of economic and occupational opportunities in the United States" is that immigrants currently do not provide economic contributions, but instead are an economic drain on our society. In fact, a recent survey showed that 100% of economists agreed that, as a whole, immigration has been good for the country and 74% of economists conclude that the presence of the undocumented workers is also a plus (The California Senate Office, July 1993). Immigrants have traditionally provided labor at jobs American citizens are unwilling to do and/or for wages citizens have been unwilling to accept. The economic situation for all U.S. workers, however, may be changing. With the exodus of American companies to other countries in order to pay lower wages to workers than they can according to union laws here in the U.S., many U.S. citizens may perceive immigrants as a threat to their own jobs. In fact, the danger lies in the decreasing number of industrial production jobs available for decent wages, not the threat of documented and undocumented immigrants who have been exploited for cheap labor. Thus, economic and occupational opportunities in the U.S. are diminishing and disappearing. If the government truly intends to develop occupational skills among immigrants and citizens, then increased funding for these purposes, rather than an English Language Policy, would be the most efficient and effective way to do so.

English Language Policy, such as S. 356, is inappropriate for meeting the economic and social needs of immigrants and citizens and it is likely to have the reverse effect. Any decrease in funding for immigrant services would result in increased social problems. A recent national survey of state and local officials, conducted by the Urban Institute in conjunction with the State and Local Coalition on Immigration, found that cuts in federal refugee expenditures led to such effects as increased use of local emergency services by refugees and increased pressure on teens to drop out of school and go to work. On the other hand, increased Federal funding would accelerate immigrants' economic and social integration, keep them off welfare, and essentially avert the formation of a new urban underclass.

A fundamental misperception held by proponents of English Language Policies has been the characterization of immigrant languages as a problem, thus, ignoring the opportunity to capitalize on the tremendous resource these languages could provide. Capitalizing on languages as resource, in turn, would provide immigrants with true economic and occupational opportunities in the U.S.. S. 356 includes as exemptions to the use of English only: "teaching of foreign languages" and "actions, documents, or policies necessary for international relations, trade, or commerce". By including these exemptions, the formulators of S. 356 are acknowledging the tremendous need for expertise in languages other than English.

Individuals who speak more than one language are desperately needed for both international and national commerce and affairs. To rely only on monolingual speakers of

English learning needed foreign languages is, at the least, not cost effective and, at the worse, disastrous for economic and diplomatic development. In a preliminary study of language needs in Hawai'i, it was found that at least 35 businesses and two hotel chains were hiring teachers of Japanese, Korean, Chinese, and German to provide staff with at least rudimentary skills in order to offer necessary services to tourists who spoke these languages. As any traveler outside the U.S. knows, going to hotels and businesses in which your own language is spoken is a tremendous plus. However, while these hotels and businesses are spending a huge amount of money in teaching language and cultural skills, an untapped natural resource in the form of immigrant native speakers of these languages are currently attending Hawaiian public schools.

As part of broader economic development planning, Hawai'i plans to increase tourism and international business, so an increasing number of bilingual workers will be needed. And monolingual speakers of English will not be able to acquire the needed language capability to supply the growing demand for bilingualism. Just as it takes an immigrant a minimum of four years to acquire sufficient English skills to operate effectively in an English speaking environment, it takes an equivalent amount of time for English speakers to learn a foreign language while immersed in a country or situation in which that language is spoken.

Many of the individuals who currently work in international business and diplomacy grew up in environments in which both English and another language was spoken, i.e. the children of immigrants. Rather than discouraging bilingualism through an English Language Policy, the government should be following the lead of countries such as Australia who have established a Language Policy which encourages immigrants to maintain their first languages while acquiring advanced proficiency in English and which requires all monolingual speakers of English to study a foreign language in school. In addition to providing an optimal situation in which immigrants can learn English and work towards professions which require bilingual skills, monolingual speakers of English can also benefit from studying and working with fluent speakers of the languages they wish to acquire and potentially use in future occupations.

Promoting the learning of a second language not only has economic value, but provides tremendous personal rewards: How many of us, the children, grand children, and great grand children of immigrants who are now citizens of the U.S., regret the loss of our heritage language?

*Implications of a English Language Policy for Native American languages, such as Hawaiian.*

The State of Hawai'i has a dual language policy. Article 13, Section 4 of the constitution states: English and Hawaiian shall be the official languages of Hawai'i, except that Hawaiian shall be required for public acts and transactions only as provided by law.

In providing for Hawaiian as one of the official languages, the State has recognized an essential right of native Hawaiian's, that is, to use the language of their ancestors. The U.S. government has since apologized for the taking of Hawaiian lands and cultural heritage by U.S. business and military interests in 1895 and through subsequent English only policies from that time on. Establishing any form of English Language Policy at the Federal level is a further insult to Hawaiians and all indigenous peoples who have been brutally treated in the past.<sup>1</sup> When these peoples have so long been denied their basic language and cultural rights, the following S. 356 statement is nothing less than appalling and could be incendiary: "Every person in the United States is entitled to communicate with the Government in English; receive information from or contribute information to the Government in English; and be informed of or be subject to official orders in English". An entitlement to a de facto official language promotes the rights of those who already have them and belittles the rights of those who have so long been denied them. That "Any person alleging injury arising from a violation of this chapter shall have standing to sue in the courts of the United States" makes a mockery out of the past efforts of political leaders and citizens to bring about the justice and equality this Nation is said to stand for.

During the 1878-1879 Debates and Proceedings of the Constitutional Convention of the State of California, concerning the impact of an official English language amendment on indigenous peoples, a Mr. Ayers remarked: "It is all well enough for us here, who are strong, to stand up and denounce them because they are weak. We have taken from them their patrimony and their lands and now we are kicking them when they are down" (Sacramento, 1880-81, 2:801-2).

The injustice suggested by Mr. Ayers in 1878 applies now to Native Americans in regards to English Only bills. However, indigenous and other groups will no longer "take it lying down". If the government should legally pressure groups to abandon their native languages, the repression of these languages and separate unities could provoke resistance. Contrary to the Quebec threat to secede from Canada and other balkanization dangers evoked by some, according to Maxwell Yalden, the commissioner of official languages for Canada: "We do not have the separatist problem in Canada because we have two languages. We have the problem because we refuse to give status to the other [French] language". As observed by the legal historian Joseph Leibowicz "If Yalden is correct, supporters of the (English Only bills) may be playing the role of characters in a Greek tragedy who bring about their fate through their efforts to avoid it" (Leibowicz, 1992).

Resistance will also occur with proposals such as those that Native Americans be exempt from English-only law. The foremost issue involved in English Only bills is one of language rights; any legislation that suggests that some groups have language rights and others do not is ethically and legally intolerable. In addition, there would be no practical way to exempt indigenous languages from all the legal effects of the English-only bills now under consideration. Enactment of an English-only bill implicitly suggests reduction or withdrawal of federal funding for programs such as bilingual education; this would prove devastating to American Indian, Alaska Native, and Hawaiian Native schools which

depend on these funds for supporting native-language programs. There also would be no way to exempt Native Americans from the political and social impact of an English-only bill. An English-only law would legitimate and encourage chauvinism toward all minority languages. It would encourage harassment and denigration of all people who look, speak, and live differently from members of the dominant culture, including Native Americans.

Delegate for Puerto Rico Baltasar Corrada testified during the 1984 U.S. Senate (Committee on the Judiciary, Subcommittee on the Constitution) English Language Amendment Hearings that "To say that we make our country stronger because we make it 'U.S. English' is like saying that we would make it stronger by making it 'U.S. White'. It is as insidious to base the strength or unity of the United States in one language as it is to base that strength or unity in one race" (Hearing on S.J. Res. 167, 98th Congress). It appears that the English Only legislation is attempting to do both.

In conclusion, we urge the Committee to firmly reject the damaging and dangerous English Only proposals.



# ENGLISH FIRST

OUR SYMBOL IS THE STATUE OF LIBERTY TORCH, CAPTURING THE SPIRIT OF IMMIGRANTS WHO LEARNED ENGLISH AND BECAME FULL MEMBERS OF AMERICAN SOCIETY

**Testimony of Jim Boulet, Jr.  
Executive Director**

**Before the Senate Committee on Government Affairs  
December 6, 1995**

Mr. Chairman and Members of the Committee,

The members of English First wish to commend you for holding the first Senate hearing on the official English issue in over a decade. The American people are demanding that English be once again established as America's official language.

The bill before this committee is S.356, the Language of Government Act of 1995, introduced by Senator Richard Shelby (R-AL). This bill is an excellent first step toward responding to the will of the people. I believe it is important that this distinguished Committee understand the background of the English issue and the Shelby bill.

In addition, the Senate may one day deal with one of the three other official English bills pending in the House of Representatives: H.R. 739, the Declaration of Official Language Act, introduced by Rep. Toby Roth (R-WI), H.R. 1005, the National Language Act, introduced by Rep. Peter King (R-NY), and/or H.J. Res. 109, the English Language Amendment, introduced by Rep. John Doolittle. These other bills are motivated by similar concerns and, I believe, this committee would benefit from considering their approaches as well.

Congressman Roth, as chairman of the Congressional English Language Task Force and as a major leader in this movement, has developed considerable expertise in the tricks and traps of the opponents of official English. I am glad this Committee has chosen to hear from him today. I have found Congressman Roth to be a determined and committed leader who knows how to get this job done. I hope the members of this Committee will agree.

How then have we arrived at this historic moment? For nearly two centuries, English was understood to be the official language of this country. Since the beginning of this century, citizenship applicants have been required to demonstrate a knowledge of English.

If you were to ask most Americans if English should be America's official language, they would reply, "you mean it isn't?" That simple benefit of a common language--understanding one another--is something we take for granted today.

Alexis de Tocqueville didn't take our common language for granted. He realized what a precious asset it would be for a nation to share a common tongue. De Tocqueville stated early on in book one of *Democracy in America*: "The tie of language is, perhaps, the strongest and most durable that can unite mankind." He concludes book one by observing: "the territory which will probably be occupied by the Anglo-Americans may perhaps equal three quarters of Europe in extent. . . . The time will therefore come, when one hundred and fifty millions of men will be living in North America . . . preserving the same civilization, the same language . . ."

Unfortunately, beginning in the 1960's, the federal government decided to turn its back on two centuries of successful assimilation of immigrants. Programs such as bilingual education, bilingual ballots and other forms of multilingual mandates were made the law of the land.

During this same period, Canada too decided that one language wasn't enough. In 1960, the independence movement in Quebec was virtually non-existent. In 1967, Canada made French a co-equal official language with English. The success of that policy was demonstrated by the recent referendum in Quebec, in which 49% of the French-speaking people voted to leave Canada.

Likewise, in the United States, mandatory multilingual services have not reduced tensions. Instead, these programs have increased them. In addition, these programs are extremely costly to state and local governments.

As you Senators well know, Congress specializes in requiring others to do things and to pay for them. Thus, the recent study which found few federal documents written in languages other than English is but the tip of the financial iceberg. The true measure of the costs of mandatory multilingualism is to be found in places like Austin and Albany.

There is more than just dollars and cents at stake in this debate. The question remains whether the United States can continue to be the kind of nation it is. Many distinguished commentators have raised concerns about precisely this issue.

Theodore White, the famous journalist who invented modern campaign reporting with his *Making of the President* books, said: "It is distasteful that a nation whose seal bears the inscription *E Pluribus Unum* should be asked to divide itself from the one nation into many tribes."

Arthur M. Schlesinger, Jr., spoke in his book, *The Disuniting of America*, of how: "a common language is a necessary bond of national cohesion in so heterogeneous a nation as America. ... [I]nstitutionalized bilingualism remains another source of the fragmentation of America, another threat to the dream of 'one people'."

If you remember only one part of my testimony today, please remember this: immigrants want to learn English and they especially want their children to learn English. I think of the words of Ernesto Ortiz, a foreman on a south Texas ranch who said: "My children learn Spanish in school so they can grow up to be busboys and waiters. I teach them English at home so they can grow up to be doctors and lawyers."

The Latino National Political Survey released on December 15, 1992 showed that over 90% of Hispanics nationwide agreed that all U.S. residents should learn English. Further, a recent *San Francisco Chronicle* poll found that 90 percent of the Filipinos, 78 percent of the Chinese and almost 70 percent of the Hispanics in California support declaring English our official language.

Thomas Sowell, in his book, *Inside American Education*, cites numerous surveys proving that the great majority of Hispanic parents -- more than three-fourths of Mexican-American

parents and more than four-fifths of Cuban-American parents -- are opposed to the teaching of Spanish in the schools at the expense of English.

This desire to learn perfect English was also captured by a poll in Florida's Dade County. Fully 98% of the Hispanics thought it the duty of their children to read and write English perfectly, compared to just 94% of the Anglo parents surveyed.

Across the river, in Alexandria, Virginia, comes another story from school teacher Patrick Welsh in his book, *Tales Out of School*. A Korean boy who has been in this country two months told him learning ten new English words each night was not enough: "Mr. Welsh, you're not giving me enough words. I need forty a night." Welsh's reaction? "The semester goes on; the pampered preppies struggle with (and complain about) ten words a night in their native language; the Korean boy waits each day after school with his tape recorder for the next forty."

Immigrants know that English is the key that opens the door of opportunity. Opponents of official English are simply not representing the views of immigrants.

At stake in this battle for official English is all too often money, status and political power for the anti-English lobby. In October of 1993, William Raspberry wrote: "I think of some Hispanic leaders who push for bilingual education, not (in my view) because they believe it to be the most effective means of bringing native Spanish-speakers into the American mainstream but because it means employment and political power for the advocates."

Speaker Gingrich makes this same point in his book, *To Renew America*: "[E]ducators and professionals who make their living running these [bilingual] programs often become the biggest opponents for letting these people move into the mainstream. Sadly, there are some ethnic leaders who prefer bilingualism because it keeps their voters and supporters isolated from the rest of America, ghettoized into groups more easily manipulated for political purposes often by self-appointed leaders."

Earlier this fall, Majority Leader Robert Dole made a similar point to the American Legion convention: "English must be recognized as America's official language. Western tradition and American greatness must be taught in our schools. And the federal government must end its war on traditional American values," he said. Classes to teach immigrants English are fine, "but we must stop the practice of multilingual education as a means of instilling ethnic pride, or as a therapy for low self-esteem or out of elitist guilt over a culture built on the traditions of the West."

It is the considered recommendation of English First that it is essential for the reasons I have outlined that any official English bill should include an explicit repeal of mandatory bilingual education. This program, begun as an experiment in 1968, has swelled to an \$8 billion demonstrated failure.

Bilingual education is unique among federal programs in that it makes no one happy. It doesn't work, immigrants oppose it and taxpayers despise it. In fact right now in New York

City, Hispanic parents are suing the school system to get their children out of bilingual classes. Think about that. For generations, immigrant children could count on being taught English for free in their neighborhood public school. Today, immigrants must hire lawyers to get the same schooling the ancestors of many of the people in this room took for granted.

It is also the recommendation of English First that any official English bill passed by this committee should contain an explicit repeal of bilingual ballot requirements.

Bilingual ballots also began as a program with good intentions but have failed to achieve their goals. Many localities spend thousands of dollars for multilingual voting services for the benefit of a handful of people. These costly ballots often contain errors in translation, defeating their intended purpose of helping people cast an informed vote.

The approach taken by Rep. Toby Roth and Rep. Peter King in their bills merits your consideration. These bills are both specific and self-executing. If passed and signed into law, these bills will require the specific elimination of certain programs.

The experience of English First in working for various state bills since its founding in 1986 has been that getting an English law passed is not the end of the matter. Getting the bureaucracy to enforce the law passed by the legislature has proven far more challenging.

North Carolina has an official English law. Yet North Carolina decided to spend \$43,000 to translate its driver's manual into Spanish anyway. (The translation turned out to be inaccurate, by the way.)

For this reason, it is important that potential loopholes be closed in the ultimate bill passed by this Congress. Most of the loopholes can be closed simply by being as specific about what the final bill will do as all the proposed bills are about what they won't do. Congressman Roth has done an outstanding job of crafting an effective, self-executing bill. So too has Rep. Peter King. Because Rep. Doolittle's bill is a Constitutional Amendment, this kind of specificity is not needed.

I urge this Committee to join with Senator Dole and Speaker Gingrich in passing a strong, effective and self-executing official English bill. Senator Shelby's bill is a good first step in that direction, as is this hearing today.

Thank you for your time and consideration.

Parris N. Glendening  
Governor



Alvin C. Collins  
Secretary

TESTIMONY OF

Mr. Shu-Ping Chan, Esq.  
Executive Director

State of Maryland  
Governor's Office on  
Asian Pacific American Affairs

IN OPPOSITION TO

S. 356  
Language of Government Act of 1995

BEFORE THE

Committee on Governmental Affairs  
United States Senate

The Honorable Ted Stevens  
Chairman

December 6, 1995  
342 Dirksen Senate Office Building  
Washington, DC

I thank the Chair and the Members of the Committee for considering my testimony in strong opposition to S. 356, the Language of Government Act of 1995.

I am Shu-Ping Chan, Executive Director for the Maryland Governor's Office on Asian Pacific American Affairs. My office acts as a liaison between the State of Maryland and the Asian Pacific American community, and advises both the Governor and the Maryland General Assembly on issues concerning our community.

Simply put, we do not need this bill. We do not need to formally recognize the obvious. On a practical level, this bill is irrelevant, redundant, absolutely unnecessary. English is already the de facto official language of the United States. No other language even comes close to challenging its preeminence of use.

While this bill satisfies a certain sense of patriotism all Americans feel, those who oppose it are not unpatriotic. The positive, patriotic and unifying sentiments behind this bill are vastly outweighed by the negativity this bill represents. This bill is insulting to those who originally hail from a different culture, or who originally might speak a language other than English.

Our nation is a nation of immigrants. I remember reading the words of President Franklin Delano Roosevelt, when he addressed the venerable Daughters of the American Resolution with the introductory remarks "Fellow Immigrants". And immigrants and children of immigrants are we all. We must remember our roots. That is why English only insults us all.

The Asian Pacific American community of course wants to learn and use English. English already is the language of our country, without which children cannot learn, cannot go to school and college, cannot get a job and advance economically. It is simply inconceivable that any parent would not want their children to learn English.

This bill will only harm and punish those who do not learn English because of inability, not lack of desire. My mother, who is 64, speaks and writes and reads English -- not perfectly, but she understands and can be understood. But her English is not going to improve from where she is now. Many other Asian Pacific Americans of her age have not had the opportunity to learn English. Are we going to punish them -- the grandmothers and grandfathers -- those who are constituents, friends, and friends of parents and grandparents. Are we going to punish them?

If this bill is a response to some other perceived problem, I would humbly suggest that those other problems be addressed directly, rather than to provide this legislation which might speak only to some tangential symptom.

In analyzing legislation, we must try to identity the consequences any new law will create, as well as to recognize the inevitability that certain unintended consequences of a new law will remain unseen until much later. Society changes, and any new law cannot account for every future situation which the law covers.

Discriminatory intent might not be behind the original English only movement, but we can see how passage of English only laws can be misinterpreted as a government endorsement that those who do not speak English can be treated as second class citizens.

Some will see the passage of English only as a government endorsement that it is acceptable to treat those in our society who merely appear to be foreigners and unable to speak English as secondary citizens. Well, this simply is not acceptable. Government cannot send this type of message. There are much better ways to encourage the use and learning of English. English only clearly is not the way.

Walter Cronkite, the veteran news anchor for CBS, at first supported English only when it originally entered the national debate. But after seeing how English only was used by certain individuals and groups to further their aims of bias, exclusion and hatred, Mr. Cronkite changed his mind and finally opposed English only.

Around the country, there are long waiting lines for English language classes. English only laws do not help those who want to learn English enroll in these classes.

At a time when we all are working to reduce government, to eliminate unnecessary governmental regulation in our everyday lives, why must we have this intrusive piece of legislation that basically dictates how we choose to communicate? At a time when we must vigorously compete in the international marketplace, why must we tell the world that we choose to isolate and draw inward?

As a lawyer, I foresee many First Amendment challenges if this law passes. It will be tied up in the courts for many years, costing perhaps millions of dollars. Would this money not be better used to hire more English language teachers?

Would English only mean that a government employee will face civil or criminal penalties for speaking a language other than English on the job? Will we have to remove the Latin phrases on the dollar bill? Would Senator Kennedy be forced to removed the Gaelic sign at the entrance to his office? The absurdities of English only speak for themselves. We do not need this type of legislation that will divide our society. I strongly urge that it be defeated in Committee.

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Before the Committee on Governmental Affairs  
United States Senate  
December 6, 1995

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**WRITTEN TESTIMONY OF**

**DAPHNE KWOK  
EXECUTIVE DIRECTOR  
THE ORGANIZATION OF CHINESE AMERICANS  
ON  
S. 356: "LANGUAGE OF GOVERNMENT ACT OF 1995"**

**BEFORE THE SENATE COMMITTEE ON GOVERNMENTAL  
AFFAIRS**

**DECEMBER 6, 1995**

Mr. Chairman and Members of the Subcommittee, the Organization of Chinese Americans (OCA) thanks you for this opportunity to submit testimony concerning S.356, Senator Richard Shelby's "Language of Government Act of 1995." OCA is a national, non-profit, non-partisan organization with 40 chapters nationwide and a headquarters in Washington, DC. As an organization dedicated to securing justice, equal treatment, and equal opportunities for all Asian Pacific Americans, OCA is extremely concerned about S.356 and other English-only legislation, due to the large percentage of recent immigrants from the Asian and Pacific regions who are limited English proficient (LEP).

**As an organizational policy, OCA opposes any amendment to the Constitution, state, and local laws, including any administrative action or executive order, which would designate English as the Official language.**

OCA's opposition is a direct result of this country's long history of racial discrimination towards Asian Pacific Americans and immigrants. In addition, OCA does not believe that S.356 is necessary, since the bill seeks to address a nonexistent problem. Furthermore, S.356 is not sound public policy, no matter how benign or purely symbolic Sen. Shelby and the bill's proponents proclaim it to be. Finally, S.356 raises numerous Constitutional concerns.

For over 160 years, immigrants from Asia were not allowed to naturalize as U.S. citizens. Despite the Chinese and Asian Pacific immigrant contributions to building the Transcontinental Railroad and to the cultivation of the Californian and Southwestern lands, in 1882, Congress passed the Chinese Exclusion Act.

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Subsequent federal, state and local legislation were introduced prohibiting persons ineligible for citizenship to immigrate, to purchase land and to obtain long term leases or crop contracts, to form corporations, and to obtain fishing licenses. These discriminatory pieces of legislation were directly targeted towards Asians, as they were the only group ineligible for citizenship. Some of these laws were not repealed until 1962.

Despite the fact that the Chinese Exclusion Act was lifted in 1943, it was not until the passage of the 1965 Immigration and Naturalization Act that Asian and Pacific Islanders have been coming to the United States in significant numbers. During the past 30 years, the economic, cultural and social contributions of the Asian Pacific American community have been critical. Poverty-stricken sections of New York City, Los Angeles and Chicago have been revived by Asian immigrants. Asian immigrants have contributed greatly to the economic success of cities in the South and Southeast regions. Asian immigrants have helped propel the United States to prominence as an economic and intellectual leader in the international community.

S. 356 states that this bill is needed because it will "help immigrants better assimilate and take full advantage of economic and occupational opportunities in the United States." Immigrants already acknowledge that in order for them to succeed in the United States, proficiency of the English language is necessary. In light of the successes of Asian immigrants, OCA does not see any necessity for the United States government to declare English as the official language. While many supporters of English-only believe that English as a language is being lost, 97% of Americans speak English "well" or "very well" according to the 1990 U.S. Census. Results published in November 1995 of a study by a University of Southern California demographer, Dowell Myers, found that among Asian immigrants who arrived during the seventies, the proportion of English speakers rose from 39% to 53% from 1980 to 1990.

Indeed, immigrants recognize that in order to feed their strong desire to make better lives for themselves and their families, learning the English language is imperative. As a result, immigrants have flooded the few and under-funded English as a Second Language classes across the country. In Washington, D.C., 5,000 immigrants were turned away from English classes in the 1994 school year. In New York, the schools have had to resort to a lottery system for enrollment. In Los Angeles, there are waiting lists as long as 40,000 for English classes.

Also, S.356 argues that English as the official language of government will foster unity in diversity. Other proponents of English-only go even further that official English will prevent the "Balkinization" of the United States. These arguments are absurd in that immigrants choose to come to the United States. A country such as the former Yugoslavia, was forced together by the international community. Even political refugees and asylees, who have no choice in staying in their native countries, embrace the opportunities available to them and the values it instills. We do not see Chinatown's seeking separation from the rest of the country. We do not see prominent leaders in Little Italy strategizing to overthrow the U.S. government.

In addition, at a time when anti-immigrant sentiment is prevalent across the United States and

legislation have been introduced to limit services to immigrants, it is ironic that S.356 seeks to protect those who speak English from denial of services. This seems to indicate that English speakers seeking services at the Social Security Administration, at the Post Office, at the Department of Motor Vehicles, and at numerous other government service agencies, are being offered assistance in another language. This situation seems highly unlikely.

Furthermore, S.356 seeks to ensure that official government activities be conducted in English. Currently, all official government activities are conducted in English. However, when needed, some of these activities are translated in order to assist those persons who are not English proficient enough to understand government proceedings and documents. Rarely, if ever, has a member of Congress presented a speech on the House floor in German, Mandarin, Spanish, Celtic or any other foreign language. Indeed, many native English speakers cannot understand legislative and legal documents.

Finally, despite the bill's assertion that it will not result in discrimination against or restriction of rights of any individual in the United States, the contrary will result. For example, a service agency that receives federal funding and seeks to outreach to a group of recently settled Laotian refugees, must conduct its services in English. According to S. 356, if the services are conducted in Laotian, English-speaking persons seeking services would be denied the service because of their inability to understand Laotian. As a result of at least one English-speaking person who finds it necessary to seek services at a Laotian service agency, an entire Laotian community will be restricted from receiving vital services.

The Organization of Chinese Americans is adamantly opposed to S. 356 and any other legislation that seeks to make English the official language of the United States. The U.S. has always been a nation of immigrants -- immigrants who were not always English proficient upon initial arrival, but who became so when provided the necessary resources. The U.S. has thrived and set itself ahead and apart from the rest of the world because of its diversity and its willingness to move beyond past racially discriminatory laws in order to embrace diversity. S. 356 seeks to turn back the clock, as it is divisive, unnecessary and unconstitutional.

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STATEMENT\*

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ON

CIVIL LIBERTIES IMPLICATIONS  
OF "OFFICIAL ENGLISH" LEGISLATION

BEFORE

UNITED STATES SENATE  
COMMITTEE ON GOVERNMENTAL AFFAIRS

DECEMBER 6, 1995

\*Revised

Mr. Chairman and Members of the Committee:

Thank you for the opportunity to testify before you today on behalf of the American Civil Liberties Union (ACLU). The ACLU is a membership-based non-profit organization representing more than 275,000 members dedicated to preserving civil rights and liberties protected under our Constitution. Since our founding 75 years ago, the ACLU has defended the rights of all, particularly unpopular and disenfranchised groups against unconstitutional discrimination and restrictions on their liberties. Early in our history, the ACLU represented immigrant workers deported and imprisoned because of their political beliefs. We have long been active in protecting racial minorities from discrimination in connection with their right to vote, to participate in the political process, to equal education and opportunity, and to equal access to important governmental services and benefits.

The ACLU believes that English-only laws — laws such as S.356 that make English the "official" language of government — and particularly those which broadly restrict the government's ability to use languages other than English in communicating and delivering services to non-English speaking Americans such as S.356, violate civil rights and liberties. They do so in three ways.

First, by restricting the government's ability to communicate with and provide services to non-English speaking Americans, many of whom are children and elderly citizens, English-only laws deny fair and equal access to government. These limits, especially as they apply to such rights and services as voting assistance, education in a comprehensible language, health services and information, financial assistance such as social security and police protection, infringe upon important and fundamental rights.

Second, by prohibiting the government from communicating with its citizens in any language other than English, English-only laws violate the First Amendment rights of elected

officials and public employees. They also impair the First Amendment rights of limited English proficient residents to receive vital information and petition the government for redress of grievances.

Third, English-only laws are based on assumptions predicated on false and disparaging stereotypes about today's immigrants. Thus, they foster anti-immigrant bigotry and intolerance and exacerbate ethnic tensions.

English-only laws are unnecessary, patronizing and divisive. They run contrary to the spirit of tolerance and respect of diversity embodied in the our Constitution.

#### **"OFFICIAL ENGLISH" LAWS ARE UNNECESSARY**

Laws declaring English the "official" language of government are entirely unnecessary. Since the founding of our nation, America has been linguistically diverse. There have been hundreds of Native American and African languages, and substantial population of Spanish-speakers in Florida, Texas, California and the Southwest, French-speakers in Louisiana and in New England, German-speakers in Pennsylvania, the Dutch in New York, and the Swedish in Delaware. See Marshall, "The Question of an Official Language: Language Rights and the English Language Amendment," International Journal of the Sociology of Language, Vol. 60, p.9 (Fishman, ed. 1986). Yet, the primacy of English as America's common language has never been in jeopardy.

Nor is it in jeopardy now. U.S. English, the largest organization dedicated to the establishment of English-only laws since 1983, concedes that 97% of Americans already speak English.<sup>1</sup> Even within the largest single language minority, Spanish-speakers,

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<sup>1</sup> According to the 1990 census, 13.5% of Americans over the age of five speak a language other than English at home. Of that 13.5%, 7.8% speak English "very well," and another 3.2% speak English "well." Only 2.9% reported they spoke English either "not well" or "not at all." 1980 Census

approximately 80% speak English.<sup>2</sup> Just as significantly, studies show that today's immigrants are learning English just as fast as immigrant of prior years. For instance, half of all recent Mexican immigrants in California already speak English. Among first-generation Mexican-Americans, 95% are proficient in English; for second-generation Mexican-Americans the transformation is even more dramatic — more than 50% have lost their mother tongue.

Kevin F. McCarthy and R. Burciaga Valdez, Current and Future Effects of Mexican Immigration in California (The Rand Corp. 1985). The rate of language assimilation of language minorities is just as rapid as it has been in previous generations. Siobhan Nolan and Rafael Valdivieso, "The Veltman Report: What it Says, What it Means," introduction to Calvin Veltman, The Future of Spanish Language in the United States (New York, Wash. D.C.: Hispanic Policy Dev. Project, 1988) at i-x. A recent study examining English acquisition of immigrants found that whereas approximately only of 5 to 14 year old Latino immigrants spoke English very well in 1980, 70% spoke English very well ten years later in 1990. For Asian immigrants in the same group, the percentage went from a little over 40% to over 80% during that ten-year period. D. Myers, "The Changing Immigrants of Southern California," Exhibit 4.2, Lusk Center Research Institute, University of Southern California (Oct. 1995).

"Official English" laws are not needed to teach immigrants the importance of learning English. Immigrants more than any other Americans fully appreciate the importance of learning English. Each day they must negotiate the daily hardships of surviving in a society that is largely monolingual English, whether it is looking for a job, trying to get information

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of Population, Vol. 1, Dept. D, Part 1 (P C 80-1-D1-A); US Bureau of Census, "Languages Spoken at Home and Ability to Speak English for United States, Region, and States - 1990." (1990 CPH-L-133).

<sup>2</sup> Census Bureau Press Release CB93-78 (April 28, 1993).

about their children's school, communicating with health providers, law enforcement officers or a bus driver, or even buying groceries or clothing. One need only look to the tens of thousands of immigrants waiting to get into adult English classes in Los Angeles and New York in order to understand their appreciation for the importance of learning English. See W. Bliss, "Providing Adult Basic Education Services to Adults with Limited English Proficiency," Report by Project on Adult Literacy of Southport Institute for Policy Analysis (1988); The New York Immigration Coalition, "Position Paper Regarding New York State Funding of Newcomer Transition Assistance Services," (October 1994), p.4; Woo, "Immigrants — A Rush to the Classrooms," *L.A. Times* (Sept. 24, 1986), p.1. Indeed, in 1987, immigrants filed a lawsuit in Los Angeles Superior Court to force the County to expand English classes for non-English speaking immigrants. *Perez et al. v. Los Angeles Unified School Dist., et al.*, Los Angeles Superior Court (filed Oct. 14, 1987). And immigrant parents know full well that their children cannot fully participate in the economic mainstream of America without becoming proficient in English. That is why a survey taken in Florida in 1985 revealed that 98% of Latinos, as compared to 94% of Anglo and Black parents, felt it was essential to their children to read and write English "perfectly." "The 1985 South Florida Latin Market" (Strategy Research Corp. 1985). Immigrants do not need a patronizing proclamation about English by Congress. What immigrants need are English classes. Ironically, "Official" English proposals do nothing to increase resources needed to provide English instruction.

Nor are English-only laws needed to stem excessive bilingualism in government operations as claimed by English-only proponents. In a study done by the GAO at the request of Senator Richard C. Shelby (R. AL) and Representatives William F. Clinger (R.

PA) and Bill Emerson (R. MO), the GAO found that for the 5-year period from 1990 through 1994, of the 400,000 documents printed by the federal government, only 265 — .065% — were printed in languages other than English. Letter dated September 20, 1995 from Timothy P. Bowling to Hon. Shelby, Clinger, and Emerson; "Practically English-Only", *Washington Post*, p.A19 (Sept. 27, 1995))

If anything, despite forward-looking efforts to provide minimal language assistance to non-English speakers through bilingual education and the Voting Rights Act, language minorities are vastly under-served. Even in California, which has the most comprehensive set of laws in the nation aimed at providing language assistance by governmental agencies (See "Bilingual Public Services in California," in Language Loyalties, A Source Book on the Official English Controversy, pp. 303-311 (Univ. of Chicago Press 1992, Crawford, J., ed.)), it is not uncommon for a Vietnamese cancer patient to wait for hours in a Bay Area county hospital waiting room until a translator is available,<sup>3</sup> for a five-year old son of a Chinese-speaking couple to choke and lapse into a coma because emergency dispatchers could not understand their calls for help,<sup>4</sup> for Latino earthquake victims to receive no assistance from relief workers who do not speak Spanish,<sup>5</sup> for a Cuban immigrant to be shot and killed by the police because no officer was available to command him to stop in Spanish,<sup>6</sup> for Spanish-speaking workers to be disproportionately injured by workplace toxic hazards because of the

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<sup>3</sup> Chin, "Cultural Differences Hinder Asian Case," *S.F. Examiner* (July 8, 1991), p.1.

<sup>4</sup> Farrell, Mayor Says Computer Caused 911 Foul-up," *S.F. Chronicle* (Jan. 9, 1987), p.A3.

<sup>5</sup> Rojas & Asimov, "Latinos Decry Lack of Relief Services, *S.F. Chronicle* (Jan. 21, 1994), p.A20.

<sup>6</sup> Coughalay, "Varied Languages a Hurdle for Police," *S.F. Chronicle* (June 5, 1989), p.A7.

lack of Spanish speaking OSHA inspectors, doctors and warnings,<sup>7</sup> or for more than 50% of limited English proficient students in California to receive no instruction in their native language.<sup>8</sup> The harsh reality is that language minorities remain under-served and the national resources devoted to foreign language assistance, particularly outside of public education, are relatively minuscule.<sup>9</sup>

What few services and publications are provided in multiple languages make government more efficient, not less efficient as English-only proponents contend. Barring the government from choosing in specific circumstances to communicate with its non-English speaking citizenry in languages comprehensible to these communities will result in miscommunications and hinder the implementation of governmental policies such as protecting public health (through multi-lingual notices, counselling, etc.), enhancing water and

<sup>7</sup> Freed, "Few Safeguards Protect Workers from Poisons; Labor: Some Latinos Toil Unaware of Dangers; Others Risk Their Health. Budget Woes Weaken Official Oversight," *LA. Times* (Sept. 6, 1993), p.1.

<sup>8</sup> Macias, "CA LEP Enrollment Continues Slow Growth in 1995," Newsletter of U.C. Linguistic Minority Research Institute, Vol. 5, No. 1 (Sept. 1995), p.1.

<sup>9</sup> English-only proponents have contended that \$8 to \$10 billion are spent each year on bilingual education. That figure is unfounded. It is obtained by multiplying the number of limited English proficient (LEP) students by the average spent per pupil for all of education. It ignores the fact that: (1) only a small percentage of LEP students are in bilingual education programs, and (2) moneys would have to be spent on these students even if there were no bilingual education. What is relevant is the ~~incre~~ <sup>25%</sup> cost, if any, of bilingual education over and above the cost of alternative educational methods. At least one study by BW Associates in Berkeley, California found there were no significant incremental costs of bilingual education. In any event, the more relevant figure is \$200 million which is spent annually under Title VII of the Elementary and Secondary Education Act of 1965, 25% of which goes to non-bilingual education programs.

With respect to bilingual voting assistance, according to a 1984 GAO survey, 79% of 259 responding jurisdictions covered by the Voting Rights Act reported they incurred ~~no~~ costs in providing oral assistance; 101 of the responding jurisdictions that provided bilingual written assistance report a cost totalling just \$388,000 for such assistance. U.S. GAO: Briefing Report to the Honorable Quentin N. Burdick, U.S. Senate, "Bilingual Voting Assistance: Cost of and Use of During the November 1984 General Election." pp. 17, 20.

resource conservation (through foreign language bulletins and educational pamphlets), increasing tax collections (by use of bilingual service representatives and tax forms), and ensuring law compliance (by providing bilingual investigators, interpreters in administrative and criminal proceedings, translations of compliance bulletins issued by OSHA, EPA, Dept. of Commerce, etc.). For instance, the *Wall Street Journal* recently reported on the influx of immigrants to the prairie town of Worthington, Minnesota. Ethnic tensions over complaints that Vietnamese immigrant fishermen were overfishing the lake were diffused when local fishermen translated state fishing regulations into Vietnamese. The town then decided to prepare Laotian, Vietnamese and Spanish-language videos on topics such as recycling that are foreign to newcomers. Kaufman, "Global Village, America's Heartland Turns to Hot Location for the Melting Pot," *Wall Street Journal*, Oct. 31, 1995, p.A.1, A15, Col.2. It makes no sense to have a sweeping rule requiring English-only which serves to straight-jacket executive agencies and other governmental bodies from making particularized judgments about the need to utilize languages in addition to English under appropriate circumstances. Indeed, a recent decision by the Ninth Circuit Court of Appeals striking down Arizona's "Official English" law, the Court found that government's use of languages other than English in communicating with limited English proficient residents increased rather than decreased efficiency, and that a law broadly prohibiting the use of different languages served no significant governmental interest. *Yniguez v. Arizonans for Official English*, \_\_\_ F.3d \_\_\_ No. 92-17087, slip op. at 12743-12745 (9th Cir. Oct. 5, 1995) (*en banc*).

**"OFFICIAL ENGLISH" LAWS DENY IMPORTANT AND  
FUNDAMENTAL SERVICES TO LANGUAGE MINORITIES**

The actual effect of English-only laws on the provision of services depends upon their text. Most of the laws which have been passed at the state and local levels, as well as the

federal proposals pending in Congress such as S.356 contain broad and ambiguous terms. For instance, what does it mean for the government to have "an affirmative obligation to preserve and enhance the role of English as the official language" of government? (H.R. 123; S. 356.) What is the scope of the injunction that "[t]he Government shall conduct its official business in English"?<sup>10</sup> (*Ibid.*) Do these provisions mean that a social security counselor cannot convey important information to a Chinese-speaking applicant or recipient otherwise entitled to benefits? Would they overturn existing requirements that federal funded migrant and community health centers and alcohol abuse and treatment programs provide language assistance where there is a substantial number of non-English speakers?<sup>11</sup> Do these provisions bar a Member of Congress from communicating with his or her constituents in Spanish, Russian or Navajo? Do they prohibit the INS from employing interpreters to interview asylum applicants, speak with witnesses in an investigation, or translate in deportation proceedings?<sup>12</sup> Would the EPA be barred from issuing or requiring the issuance of a Spanish language summary of an environmental impact report on a proposed toxic waste site where the affected residents are primarily Spanish-speaking migrant workers? Will these laws affect the issuance of FCC licenses to foreign language television and radio broadcast stations?<sup>13</sup>

<sup>10</sup> This wording is ambiguous even as to whether the supplementary use of other languages in addition to English is permitted in official communications. The California Attorney General has interpreted California's 1986 "Official English" law as merely requiring that official governmental acts be conducted at least in English. Letter dated May 20, 1987 from Floyd D. Shimomura, Deputy Attorney General, to Stanley Diamond.

<sup>11</sup> 42 U.S.C. §§ 254 b & c; 42 U.S.C. § 4577(b).

<sup>12</sup> Interpreters are used in the physical and mental examination of alien immigrants who want to enter the U.S. 8 U.S.C. § 1224.

<sup>13</sup> It should be noted that the largest organized proponent of English only laws, U.S. English, has in the past opposed FCC licensing of Spanish language stations. See Crawford, "Hold Your Tongue: Bilingualism and the Politics of 'English-Only,'" pp. 201-202 (Addison-Wesley Pub. Co. 1992).

Significantly, the definition of "official business" contained in S.356 does not except "actions or documents that are primarily informational or educational" as had S.175. And the exception for "actions or documents that protect the public health" contained in S.356 remains ill-defined. Is providing individualized drug rehabilitation or rape counseling in Spanish or Chinese protective of "public" health? What is the line between public and private health?

Moreover, S.356 does not appear to restrict only government conduct; it prohibits the denial of "services, assistance or facilities, directly or indirectly provided by the Government." (§163(b) [emphasis added]). Does this provision mean that services provided in Spanish or Russian by a private entity under a federal contract or which receives federal monies would violate this provision? Would it mean that all state and local governments which receive federal money could not engage in foreign language assistance to limited English proficient residents? Would a city or county receiving federal funds be prevented from hiring bilingual police officers, social workers, or counselors? Would this law bar local school districts from providing bilingual education?

The potential mischief of "Official English" laws cannot be overestimated. At the very least, S.356 would open up a Pandora's Box of endless litigation on these and other issues, including the constitutionality of the law itself. More importantly, S.356 and laws like it can cause substantial and concrete harm. Other English-only laws have been interpreted to impose severe restrictions on the use by government and its employees and officials of languages other than English. The first of such laws passed in recent times was enacted by Dade County, Florida in 1980. Its effect was to bar distribution of bilingual materials on fire prevention, publication of Metrorail schedules in foreign languages, Spanish language consumer information, prenatal advice by the county hospital in Creole, and funding for

ethnic festivals.<sup>14</sup> An "Official English" constitutional initiative passed by 51% of the voters in Arizona in 1988 has been held to bar legislatures from communicating with the constituents in Spanish or Navajo and public employees generally from communicating with the public in a language other than English. *Yniguez v. Mofford*, 730 F. Supp. 309 (D. Ariz. 1990), *aff'd sub nom. Yniguez v. Arizonans for Official English*, 42 F.3d 1217 (9th Cir. 1995), *aff'd en banc*, \_\_\_\_F.3d\_\_\_\_, No. 92-17087 (9th Cir. Oct. 5, 1995).

Some current congressional proposals are explicit about the termination of specific language assistance programs. H.R. 739, for instance, would expressly require that "[c]ommunications by officers and employees of the Government of the United States with United States citizens shall be in English" and repeals provisions of the Elementary and Secondary Education Act of 1965 and the Voting Rights Act of 1965 which provide for bilingual education and voting assistance. H.R. 1005 requires the federal government "to conduct its official business in English, including publications, income tax forms and informational materials." And as mentioned above, S.356 contains no exception for informational or educational materials.

English-only laws which ban the provision of governmental services to non-English speakers unjustly target and disenfranchise language minorities. Such deliberate withdrawal of and ban on services to this already disadvantaged and insular sector of the American public is callous and mean-spirited. It is also unconstitutional.<sup>15</sup>

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<sup>14</sup> Dade County Attorney's Opinion Nos. 81-29, 81-21, 80-37, 81-28; Crawford, *id.* at 108-109. See also, Castro, Haun & Roca, "The Official English Movement in Florida," in Perspectives on Official English, p.156 (Adams & Brink, eds.) (Mouton de Gruyter 1990).

<sup>15</sup> By discriminating against language minorities, English-only laws contravene international standards of human rights as well. The Universal Declaration of Human Rights, which interprets the United Nations Charter, specifically bans discrimination on the basis of language as well as race, sex and religion. United Nations Charter, Article 55; Universal Declaration of Human Rights, Article 2.

**The Right to Vote.**

The right to vote is a fundamental and inalienable constitutional right. *Reynolds v. Simms*, 377 U.S. 533 (1964); *Dunn v. Blumstein*, 405 U.S. 330 (1972). Laws and devices, such as literacy tests, designed to impose burdens on minority groups in the exercise of their franchise violate that right. E.g., *Louisiana v. United States*, 380 U.S. 145 (1965); *United States v. Mississippi*, 380 U.S. 128 (1965); *Alabama v. United States*, 371 U.S. 37 (1962); *Schnell v. Davis*, 336 U.S. 933 (1949). See generally, *South Carolina v. Katzenbach*, 383 U.S. 301 (1966). A broad ban requiring the withdrawal of bilingual assistance to limited English proficient citizens (many of whom are elderly have limited English speaking proficiency, but whose English reading ability is insufficient to comprehend complex and lengthy ballots and voting materials<sup>16</sup>) imposes such a burden. That burden will fall most heavily on older Americans, who are the least likely to learn English as a second language and who also have the greatest need for bilingual assistance.<sup>17</sup> The injurious impact upon ethnic minority bilingual voters of such a ban cannot be overstated. A 1982 study for the Mexican American Legal Defense and Educational Fund found that 70% of monolingual Spanish-speaking citizens would be less likely to register to vote if bilingual assistance were

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The International Covenant on Civil and Political Rights, to which the U.S. is a signatory, also expressly bans language discrimination. Articles 26 & 27.

<sup>16</sup> See Loo, "The 'Biliterate' Ballot Controversy: Language Acquisition and Cultural Shift Among Immigrants," International Migration Review 19, No. 3 (Fall 1985), pp. 493-515.

<sup>17</sup> Sociologist Calvin Veltman found that approximately 80% of those aged 15-24 at time of arrival will come to speak English on a regular basis. This figure declines inversely with the age of the immigrant at the time of arrival. Of those aged 25-34 at time of arrival, 70% will become regular English speakers. Fifth percent of those aged 35-44 and 30% of those aged 45 and over will come to speak English on a regular basis. See C. Veltman, The Future of the Spanish Language in the United States (1988).

eliminated.<sup>18</sup> If bilingual ballots were unavailable, 72% of the monolingual Spanish-speakers would be less likely to cast a vote.<sup>19</sup> S.356 does not exempt voting assistance from its broad injunction that the Government conduct its official business in English.

#### **Education.**

Although not currently recognized as a "fundamental" constitutional right (*San Antonio Independent School District v. Rodriguez*, 411 U.S. 1 (1973)), education is nonetheless an important right affecting the futures and destinies of millions of school children. *Plyler v. Doe*, 457 U.S. 202 (1982). As the Supreme Court stated in *Brown v. Bd. of Education* forty years ago:

Today, education is perhaps the most important function of state and local governments. . . . In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education. Such an opportunity, where the state has undertaken to provide it, is a right which must be made available to all on equal terms.

347 U.S. 483, 493 (1954). Denying immigrant children who do not yet speak English a meaningful education in a language comprehensible to them during the period in which they are learning English — the primary purpose of bilingual education — denies them an equal educational opportunity. *Lau v. Nichols*, 414 U.S. 563 (1974). In holding that the failure to provide language assistance to non-English speaking immigrant students violates Title VI of the Civil Rights Act of 1964), the Supreme Court stated:

[T]here is no equality of treatment merely by providing students with the same facilities, textbooks, teachers and curriculum; for students who do not understand English are effectively foreclosed from any meaningful education.

414 U.S. at 566. While there has been a longstanding debate about the effectiveness of

<sup>18</sup> R. Brischetto, "Bilingual Elections at Work in the Southwest," pp. 68, 100 (1982).

<sup>19</sup> *Ibid.*

different pedagogical techniques, it would be premature and inappropriate to permit a politically driven agenda to end bilingual education.<sup>20</sup> S.356 would permit the use of non-English languages for the "teaching of foreign languages" (§165), but says nothing about the use of native language instruction in teaching immigrant students.

**"OFFICIAL ENGLISH" LAWS VIOLATE EQUAL PROTECTION  
PRINCIPLES BECAUSE THEY DISCRIMINATE AGAINST AN ALREADY  
DISADVANTAGED AND POWERLESS MINORITY**

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<sup>20</sup> Most experts believe that bilingual education properly administered is an effective method of helping students make the transition to instruction in English. "Bilingual Education - A New Look at the Research Evidence," GAO Briefing Report to the Chairman, Committee on Education and Labor, House of Representatives (GAO/DEMO-87-12 BR (1987) See also Crawford, "Bilingual Education: History, Politics, Theory & Practice," pp. 86-14 (Crane Publishing Co. 1989). Indeed, the most comprehensive research on the subject indicates that the more extensive the instruction in the native language, the better the students perform in a variety of subjects, such as math and science, as well as English. The study indicates that students in longer term bilingual education classes accelerate in their rate of educational growth faster than students in classes where no native language instruction is used or is ended quickly. Ramirez, "Final Report: A Longitudinal Study of Structured English Transmission Strategy, Early Exit and late Exit. Transitional Bilingual Education Programs for Language Minority Children." (1991). See Asimov, "Education Study Finds Flaw in English-only," *S.F. Chronicle* (Feb. 12, 1991) p.B1.

Such a result should not be surprising. Native instruction allows students to keep up in math, science and other courses while they learn English. Increasing proficiency in a child's native language increases his or her cognitive abilities and understanding of grammar and structure, thereby enhancing their ability to acquire a second language (English). Bilingual education also avoids the implied degradation of the child's native language and culture which often accompanied traditional "sink or swim" methods; bilingual education thus fosters immigrant students' self image and respect. As one federal court found:

When Spanish-surname children come to school and find their language and culture are totally rejected and only English is acceptable, feelings of inadequacy and lowered self-esteem develop. . . . If a child can be made to feel worthwhile in school then he will learn even with a poor English program.

*Serna v. Portales Municipal Schools*, 499 F.2d 1147, 1150 (10th Cir. 1974).

The argument that experience proves the traditional "sink or swim" method works best since prior immigrants "made it" without bilingual education is illusory. Although some immigrants succeeded, many more sank than swam. In 1911, the U.S. Immigration Service found that 77% of Italian, 60% of Russian Jews, and 51% of German children of immigrant parents were one or more grade levels behind in school. D. Cohen, "Immigrants and the Schools: A Review of Research," (U.S. Dept. of HEW, Dec. 1969).

In addition to infringing upon voting and educational rights, English-only laws which systematically limit access of language minorities to governmental services are constitutionally suspect because: (1) language discrimination is functionally equivalent to national origin discrimination, and (2) language minorities are a prime example of a "discrete and insular minority" (*United States v. Carolene Products Co.*, 304 U.S. 144, 152, n.4 (1938)), who deserve heightened judicial protection under the Equal Protection clause. See Note, "Quasi-Suspect Classes," *Yale L. J.* (1981) (language discrimination should be a quasi-suspect classification). Cf. *Olagues v. Russoniello*, 797 F.2d 1511 (9th Cir. 1986), *vacated as moot*, 484 U.S. 806 (1987) (bilingual voters requesting bilingual ballots held to be a suspect classification). Moreover, English-only laws which impose a sweeping ban on foreign language assistance to language minorities constitute the purposeful disadvantaging of language minorities and are far more insidious than the mere failure to provide such assistance as a result of oversight or lack of funding. These laws disadvantage minorities "because of, not merely in spite of" their limited English proficiency. *Personnel Administrator of Massachusetts v. Feeney*, 442 U.S. 256, 279 (1978).

#### **Language Discrimination as an Aspect of National Origin Discrimination.**

There is an obvious correlation between a language and its corresponding national origin group. The vast majority of non-English speakers are national origin minorities. See Estrada, "The Extent of Spanish/English Bilingualism in the United States," 15 *Aztlan Int'l J. Chicano Studies Res.* 379, 381, 383 (1984) (97% of those who usually speak Spanish are of Hispanic origin; approximately 77% of American Hispanics speak Spanish); Statistical Record of Asian Americans 128 (Gall & Gall, eds., (1993)) (high correlation between language and national origin among Asian Pacific Islanders). Moreover, language is the prime symbol of

ethnicity, a central aspect of the ethnic identity of national origin minorities. Fishman, "Language and Ethnicity," Language, Ethnicity & Intergroup Relations 23, 25-26 (Giles, ed., 1977). To many Americans, speech is a cultural indicator second in importance only to physical appearance. Conklin & Louie, A Host of Tongues: Language Communities in the United States 279 (1983). Language is often a proxy for race and ethnicity. See *Gutierrez v. Municipal Court*, 838 F.2d 1031, 1039 (9th Cir. 1988), *vacated as moot*, 490 U.S. 1016 (1989). See also Califa, "Declaring English the Official Language: Prejudice Spoken Here," 24 *Harv. C. R. - C. L. Rev.* 293 (1989). The Supreme Court recently observed:

It may well be, for certain ethnic groups and in some communities, that proficiency in a particular language, like skin color, should be treated as a surrogate for race under an equal protection analysis.

*Hernandez v. New York*, 500 U.S. 352, 412-13 (1991).<sup>21</sup>

National origin discrimination, like race discrimination, is considered inherently suspect under Equal Protection principles. *Hernandez v. Texas*, *supra*. Given the intimate and inextricable relationship between language and ethnicity, English-only laws which systematically and purposefully disenfranchise language minorities are therefore constitutionally suspect. This is particularly so given the fact that the negative images and arguments advanced by English-only supporters have at times been a thinly disguised attack on Hispanic immigrants in particular. See Califa, *supra*, 24 *C. R. - C. L. L. Rev* at 334. It is

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<sup>21</sup> See also *Hernandez v. Texas*, 347 U.S. 475, 480 n.12 (1954) (Spanish surnames "provide ready identification of the members of this [Mexican-American] class"); *Castenada v. Partida*, 430 U.S. 482, 486 n.5 (1977) (Mexican-American ethnicity synonymous with "[p]ersons of Spanish language"); *Yu Cong Eng v. Trinidad*, 271 U.S. 500, 528 (1926) (Philippine ordinance requiring accounting records to be kept only in English, Spanish or local dialects denied equal protection to Chinese merchants because it prohibited them from keeping records in their native language); *Lau v. Nichols*, 414 U.S. 563, 568-69 (1974) (failure of San Francisco public schools to provide educational services to non-English-speaking students constitutes national origin discrimination violating Title VI of the Civil Rights Act of 1964).

no coincidence that blatant anti-Hispanic statements have been attributed to the founder of U.S. English, Dr. John Tanton. (See Crawford, "What's Behind Official English?" in Language Loyalties, pp. 171-177) or that a former chair of the organization has argued, "We have Hispanic politicians who have an unstated or hidden agenda to turn California into a bilingual, bicultural state." Lindsey, "Debates Growing on Use of English," *N.Y. Times* (July 21, 1986), p.1.

**Language Minorities Are a Discrete and Insular Minority.**

English-only laws are also constitutionally suspect because language minorities, as a class, are a discrete and insular minority "saddled with such disabilities, or subjected to such a history of purposeful unequal treatment, or relegated to such a position of political powerlessness as to command extraordinary protection from the majoritarian political process." *San Antonio Independent School District v. Rodriguez*, 411 U.S. 1, 28 (1973).

Language minorities are socio-economically disadvantaged. Persons with limited English skills were more than two to three times as likely to have incomes below the poverty line, to have had far fewer years of formal education, and to be more unemployed than their English-speaking counterparts. 1980 Census of Population: Detailed Population Characteristics, United States Summary, at 623-26—623-27.

They suffer discrimination in practically all aspects of life ranging from the justice system, education, social welfare, and employment. See U.S. Commission on Civil Rights, *Mexican Americans and the Administration of Justice in the Southwest* 66-74 (1970) (describing discrimination against Spanish-speakers in contacts with police and courts); U.S.

Commission on Civil Rights, *Mexican American Educational Study, Report III: The Excluded Element* 13-20 (1972) (discrimination against Spanish speakers in education); *Lau*, 414 U.S. at 568 ("the Chinese-speaking minority receive fewer benefits than the English-speaking majority from respondents' school system which denies them a meaningful opportunity to participate in the [English-only] educational program — all earmarks of the discrimination banned by [federal Title VI] regulations"); *Guerrero v. Carleson*, 9 Cal.3d 808 (1973), *cert. denied*, 414 U.S. 1137 (1974) (refusal of California Department of Social Services to provide bilingual welfare termination notices to those known unable to read and understand English); Comment, "English-only Rules and 'Innocent' Employers: Clarifying National Origin Discrimination and Disparate Impact Theory Under Title VI," 74 *Minn. L. Rev.* 387 (1989) (describing language discrimination in the workplace embodied in speak English-only rules); Matsuda, "Voices of America: Accent, Antidiscrimination Law and a Jurisprudence of the Last Reconstruction," 100 *Yale L. J.* 1329 (1991) (analyzing accent discrimination by employers). Congress has expressly found:

[V]oting discrimination against citizens of language minorities is pervasive and national in scope. Such minority citizens are from environments in which the dominant language is other than English. In addition, they have been denied equal educational opportunities by State and local governments, resulting in severe disabilities and continuing illiteracy in the English language. The Congress further finds that, where State and local officials conduct elections only in English, language minority citizens are excluded from participating in the electoral process. In many areas of the country, this exclusion is aggravated by acts of physical, economic, and political intimidation.

42 U.S.C. § 1973b(f)(1).<sup>22</sup> In addition to voting discrimination, the political powerlessness of

<sup>22</sup> Voting discrimination against language minorities has injured Hispanics in particular as well as other language minorities such as Asians and Native Americans. See, e.g., S. Rep. No. 295, 94th Cong., 1st Sess. 28-31, reprinted in 1975 U.S. Code Cong. & Admin. News 774, 794-97 (congressional finding that "language minority citizens [continue to be] excluded from the electoral process through the use of English-only elections," and that [p]ersons of Spanish heritage was the group most severely affected by discriminatory [voting] practices, while the documentation concerning Asian Americans,

non-English speakers is heightened by the simple fact that a disproportionate number of them are not citizens and cannot vote at all. See Note, "'Official English': Federal Limits on Efforts to Curtail Bilingual Services in the States," 100 *Harv. L. Rev.* 1345, 1354 (1987).

Like other groups deemed to constitute a "suspect classification," language minorities have also been "subjected to a history of purposeful unequal treatment." *Rodriguez, supra*, 411 U.S. at 28. Until the late 1800's, our nation had a tolerant policy towards linguistic diversity. Bilingualism in government and education was prevalent in many areas. The German language, for instance, was prevalent in schools throughout the mid-West.<sup>23</sup> But the influx of eastern and southern Europeans and Asians gave rise to nativist movements and restrictionist language laws in the late 1800's and early 1900s. The Federal Immigration Commission issued a report in 1911 contrasting the "old" and "new" immigrant. The report argued that the "old" immigrants had mingled quickly with native-born Americans and became assimilated, while "new" immigrants from Italy, Russia, Hungary, and other countries were less intelligent, less willing to learn English, were not assimilating , and were criminally inclined. Leibowicz, "The Proposed English Language Amendment: Shield or Sword?" 3 *Yale Law & Policy Review* 519, 536-537 (1985).

In response, English literacy requirements were erected as conditions for public employment, naturalization, immigration, and suffrage in order to "Americanize" these "new" immigrants and exclude those perceived to be lower class and "ignorant of our laws and language." Leibowicz, *supra* at pp. 533-539. The New York Constitution was amended to

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American Indians and Alaskan Natives was substantial"); *Castro v. California*, 2 Cal.3d 223, 229-31 (1970) (refusal to register as voters otherwise qualified Spanish speakers who could not prove and attest to literacy in English).

<sup>23</sup> Heath, "English in Our Language Heritage," Language in the USA., pp. 12-14 (Heath & Ferguson, eds. 1981).

disenfranchise over one million Yiddish-speaking citizens by a Republican administration fearful of Jewish voters. *Id.* at 536. The California Constitution was similarly amended to disenfranchise Chinese voters who were seen as a threat to the "purity of the ballot box." *Castro v. California, supra*, 2 Cal. 3d 223. See generally Leibowicz, "English Literacy: Legal Sanction for Discrimination," 45 *Notre Dame L. Rev.*, pp. 7, 34-35 (1964).

World War I gave rise to intense anti-German sentiment. A number of states, previously tolerant of bilingual schools, enacted extreme English-only laws. For instance, Nebraska and Ohio passed laws in 1919 and 1923 prohibiting the teaching of German until the student passed the eighth grade. The Supreme Court ultimately held the Nebraska statute unconstitutional as violative of due process in *Meyer v. Nebraska*, 262 U.S. 390 (1923).

Native Americans were also subject to federal English-only policies in the late 1800's and early 1900s. Native American children were separated from their families and forced to attend English language boarding schools where they were punished for speaking their native language.<sup>24</sup> Reyhner, "Policies Toward American Indian Languages: A Historical Sketch," in Language Loyalties, p. 41-47.

Thus, English-only laws' discrimination and disenfranchisement of language minorities, a particularly vulnerable group, is profoundly unfair and constitutionally suspect. Moreover, to the extent English-only laws restrict lower, more local levels of government from enacting laws, policies and programs providing for bilingual services, these laws are unconstitutional for yet an additional reason. Such laws deny language minorities the ability of obtain

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<sup>24</sup> African Americans during the slavery era were subjected to restrictionist language policies: It was common practice for slave owners to mix up Africans of different tribes limiting communication between slaves. Smitherman, Talkin and Testifyin. The Language of Black America, p.7 (Wayne State Univ. Press 1977). Of course, it is well known that laws prohibited teaching slaves to read and write. Subsequent to the Emancipation, literacy laws were enacted to keep African Americans from voting. See e.g., *Louisiana v. United States, supra*, 380 U.S. 145.

favorable legislation from local political bodies and government agencies. For instance, under the Arizona "Official English" constitutional provision added by the voters in 1988, language minorities cannot obtain an ordinance from the local city council or a policy from the county department of social services to provide for bilingual forms, notices or assistance. Indeed, language minorities could not even seek from the Arizona legislature a statute requiring, funding, or even authorizing language assistance in matters such as voting, job training, or consumer fraud. In short, preemptive laws which disable state and local governments from deciding on their own to provide bilingual assistance (see e.g. S.356, H.R. 739, Section 167 which purports to preempt State and Federal laws), excludes language minorities from equal participation in the normal political process and imposes upon them special burdens not placed on other groups (such as veterans and the disabled) who are free to seek favorable legislation at the local level. Barring such a discrete minority from equal access to the political process violates equal protection. *Washington v. Seattle School Dist. No. 1*, 458 U.S. 457 (1982); *Hunter v. Erickson*, 393 U.S. 385 (1969).

#### **\*OFFICIAL ENGLISH\* LAWS VIOLATE THE FIRST AMENDMENT**

The prohibition in English-only proposals upon the conduct of government business in any language other than English would bar communication between public employees and the public. The ban on informational materials in other languages significantly and affirmatively interferes with the ability of non-English speaking Americans "to receive information and ideas," an interest protected by the First Amendment. *Virginia State v. of Pharmacy v. Virginia Citizens Consumer Council*, 475 U.S. 748, 757 (1976). It also interferes with public employees' First Amendment interest in communicating with language minority citizenry. *Yniguez v. Arizonans for Official English*, *supra*, \_\_\_\_ F.3d \_\_\_\_\_. In Yniguez, a state legislator

and public employee brought a lawsuit challenging an Arizona constitutional initiative which made English the "official" state language and which required all public officials and employees to "act" only in English while performing government business. The legislator plaintiff was dismissed from the case on technical grounds. The employee, a Latina employed by the Arizona Department of Administration who handled claims asserted against the state, prior to passage of the law, had communicated in Spanish with mono-lingual Spanish-speaking claimants. The court found the provision facially invalid under the First Amendment, unconstitutionally restricting not only public employees' right to communicate with non-English speaking members of the public, but also the right of elected officials to communicate with their constituents in Spanish, Navajo, or any other language. (Copy of the court's majority and concurring opinions are attached.)

Current congressional proposals make no exception for informational materials in languages other than English (e.g., S.356, H.R. 123, 739 and 1005), and thus, like the Arizona initiative, could even prohibit elected officials from communicating with their non-English speaking constituents. In the 1988 hearing before the House Committee on the Judiciary, Subcommittee on Civil and Constitutional Rights on "Proposed Amendments to the Constitution to establish English as the Official Language of the United States," Representative Stephen Solarz described the value of a Russian language newsletter he sent out to the large community of emigrés from the Soviet Union in his district:

My purpose in sending this newsletter were fourfold: I wanted to extend a personal welcome to these special individuals who had endured so much adversity in their lives in their successful quest to find freedom and democracy in this country. Secondly, I sought to explain my positions on issues that are very important to this community — Soviet Jewry and U.S.-Soviet relations. Third, I wanted to share with my constituents a heartwarming story of a family reunification that I was fortunate enough to help facilitate with the help of several hundred Brooklyn junior high school students. Finally,

I urged my constituents to contact my office if they wanted me to intercede on behalf of relatives still awaiting permission to emigrate from the Soviet Union.

Dozens of Soviet Jewish families responded to this newsletter. In their letters to me — most of them also written in Russian — I learned of many refusenik cases of which I was previously unaware. I was then able to contact Soviet officials in an effort to expedite their emigration requests. This was Congressman-constituent relations at its best.

Statement of Hon. Stephen J. Solarz Before the Subcommittee on Civil and Constitutional Rights, May 11, 1988.

Enjoining elected government officials from communicating with their constituents in languages other than English would violate both the rights of elected officials under the First Amendment as well as the interests of constituents in receiving important information, to communicate with elected officials, and to participate in the political process. In striking down the similar provision of the Arizona Constitution, Judge Brunetti stated:

Article XXVIII offends the First Amendment not merely because it attempts to regulate ordinary political speech, but because it attempts to manipulate the political process by regulating the speech of elected officials. Freedom of speech is the foundation of our democratic process, and the language restrictions of Article XXVIII stifle informative inquiry and advocacy by elected officials. By restricting the free communication of ideas between elected officials and the people they serve, Article XXVIII threatens the very survival of our democratic society.

*Yniguez v. Arizonans for Official English, supra*, slip op. 12761-12762 (Brunetti, J., concurring).

#### **\*OFFICIAL ENGLISH\* LAWS FOSTER BIGOTRY AND INTOLERANCE**

The English language issue is one which concerns all of us but why is it necessary to adopt a measure declaring English as the official language? Is there a pending threat to the English language and our national unity, or have many Americans simply grown intolerant of our multilingual immigrant citizenship?

Statement of the Honorable John McCain, U.S. Senator, before the American Bar Association, Aug. 5, 1988.

The answer, regrettably, is all too clear. Even if "Official English" laws did not ban the provision of particular services in languages other than English and were merely symbolic, the message that underlies the symbolism is unmistakably pejorative of immigrants and imbued with fear mongering. The critical question is why do we now need a law declaring English the "official" language when we have lived without such a declaration for 200 years? The answer invariably given by English-only proponents is that for the first time in U.S. history the primacy of the English language, the purported common bond which holds this disparate society together, is being threatened by a new breed of immigrants who do not speak English, who are not learning English they way previous immigrants did, and who do not appreciate the importance of learning English. The following typifies the rhetoric explaining the rationale for English-only laws:

I don't know about your forefathers but when mine came to America, the first thing they did was learn English . . . .

Tragically, many immigrants these days refuse to learn English!

They never become productive members of American society. They remain stuck in a linguistic and economic ghetto, many living off welfare and costing working Americans millions of tax dollars every year.

Incredibly, there is a radical movement in this country that not only promotes such irresponsible behavior, but actually wants to give foreign languages the same status as English — the so-called "bilingual" movement . . . .

The leaders of the bilingual movement reject the "melting pot" concept that integrated the millions of immigrants who came to America and, working as one people, built the greatest nation on earth.

They don't want foreign language groups to learn English and assimilate into American culture — but they're funded by your tax dollars at the federal, state and local level to promote their divisive programs.

As a result, they are slowly but surely driving a wedge between the English and non-English speaking members of our society.

Solicitation letter from Jim Horn on behalf of English First (emphasis in original).

Mauro Mujica, President of U.S. English, recently stated in an interview on national television that the "Official English" laws are need "because unfortunately we have self-appointed leaders of minorities in this country that are telling these people that they do not need to learn the language. . . ." "Good Morning America" ABC-TV, Oct. 18, 1995.

The equation of bilingualism and un-Americanism is a more vicious version of the nativist sentiment expressed in Theodore Roosevelt's oft quoted diatribe at the turn of the century:

"We have room for but one language here and that is the English language, for we intend to see that the crucible turns our people out as American, of American nationality, and not as dwellers in a polyglot boarding house."

It is also a reiteration of the Americanization movement which culminated in the Federal Immigration Commission's report in 1911 contrasting the "old and "new" immigrants and which led to restrictionist language policies. These arguments are predicated on false negative stereotypes of today's immigrants and inaccurate assumptions about language policy of our government. They portray today's immigrants, largely Latino and Asian, as being more resistant to assimilation, less willing and able to learn English, and more of a threat to the primacy of English and Americanization than European immigrants of past generations. Nothing could be further from the truth. As discussed earlier, today's immigrants are no different from immigrants of the past in their desire to learn English and in the speed with which they are learning English.

These historical episodes should serve as reminders of the dangers of basing policy of

false and negative stereotypes. To base legislation regulating language on false assertions not only makes for bad public policy, but by perpetuating false stereotypes, demonizing immigrants an already unpopular segment of the public, and fostering the public perception that the English and American culture are being overrun immigrants unwilling or unable to learn English, "Official English" laws breed prejudice and bigotry. At best, regardless of its stated intent, such legislation is divisive and irresponsible, particularly in the current atmosphere of heightened racial tensions, economic insecurity, and anti-immigrant nativism. At worst, such legislation represents little more than hate mongering.

Immigrant bashing is as popular as ever. Although there are no official reporting mechanisms, the anecdotal evidence that does exist suggests that language discrimination, an aspect of the backlash against immigrants, is on the rise. See Henry, "Fighting Words," *L.A. Times Magazine* (June 10, 1990), p.10; Nakao, "Workers Battle for Right to Speak Native Tongues," *S.F. Examiner* (June 23, 1991), p.A1. For instance, after Californians passed Proposition 63 in 1986, making English the State's "official" language, a number of California cities enacted ordinances limited the amount of foreign languages that could appear on private business signs. See *Asian American Business Group v. City of Pomona*, 716 F. Supp. 1328 (C.D. Cal. 1989). In a recent case, Latino passengers on a Greyhound bus were threatened with being expelled for refusing to comply with the driver's demand that they stop speaking Spanish to each other. *Rodriguez et al. v. Greyhound Lines, Inc., et al.*, Sacramento Superior Court No. 95 A501887. In a much publicized decision, a Texas judge ordered a mother having custody over her 5-year-old child to stop speaking Spanish to her at home, calling it "child abuse." "Judge: Mom's Spanish is Child Abuse," *Sacramento Bee* (Aug. 29, 1995). Workplace complaints about discrimination against non-English speakers and accented

English speakers and about employees being disciplined for speaking to a co-worker in their native tongue abound particularly in high immigration areas such as California.<sup>25</sup>

Legislation making English the "official" language, which implies that those who do not speak English are somehow less than "official" and thus relegates them to second class status in the eyes of the law. Because these laws are predicated upon false and disparaging assumptions about today's immigrants, they can only fan the flames of prejudice, mistrust and divisiveness. And because the disparaging arguments are directed against today's immigrants who are largely Hispanic and Asian, the racial undercurrents that lay beneath the surface of English-only efforts make these laws doubly dangerous and divisive. Rather than inspiring cohesion and unity, such legislation will, in the end, exacerbate societal discord and ethnic tension. See Lindsey, "Debates Growing on Use of English," *N.Y. Times* (July 21, 1986) p.1 (describing rising tension in Monterey Park and other California cities).

#### **"ENGLISH-ONLY" LAWS UNDERMINE THE SPIRIT OF TOLERANCE AND PLURALISTIC IDEALS EMBODIED IN OUR CONSTITUTION**

Undergirding the proponents' argument in favor of English-only laws is the assertion that the English language is the "common bond" or "social glue" that holds a diverse society together, and that multi-lingualism jeopardizes the fragile social cohesion singularly owed to the English language. The proponents often cite the Quebec secessionist movement and even the conflict between Serbs and Croats as examples of societal discord and disintegration that occurs in the absence of a common tongue. (See e.g. H. Con. Res. 6, fifth

<sup>25</sup> The Equal Employment Opportunity Commission reported approximately 120 active charges about speak-English-only workplace rules in 1994. (Brief for the United States as amicus curiae in *Garcia v. Spun Steak*, Supreme Court No. 93-1222). Telephone complaint hotlines recently established by the Language Rights Project of the ACLU of Northern California and the Employment Law Center and by MALDEF have received scores of complaints of language discrimination.

"whereas" clause.)

This assertion is wrong both empirically and as a matter of principle. Linguistic diversity need not lead to social conflicts. Switzerland for instance has four official languages. There is no single "official" language for the European Union. On the other hand, one need only look to deep conflicts in Northern Ireland and Bosnia to see that a common language does not assure social tranquility. (Contrary to Mr. Emerson's assertion contained in H. Con. Res. 6 to the contrary, Serbs and Croats speak a common language, Serbo-Croatian.)

Indeed, America's own history dispels the notion that an "official" language is needed to preserve national unity. As noted previously, from the founding of this nation, there have been substantial populations of speakers of languages other than English. Indeed, in the early 1800s a greater percentage of Americans spoke German than speak Spanish today. Drego Castellanos, "A Polyglot Nation," Language Loyalties 13, 17 (J. Crawford, ed. 1992). Bilingual education in German and Yiddish was common throughout Eastern cities and the Midwest. Official minutes of many town meetings in the Midwest were printed in German. See Baron, "Federal English," in Language Loyalties. p.40; Leibowitz, "The Official Character of Language in the U.S.: Literacy Requirements for Immigration, Citizenship and Entrance Into American Life," 15 *Aztlan Int'l J. Chicano Stud.* Res. at 29. The presence of language diversity and official bilingualism had no detrimental effect on the nation's social fabric.

A more specific example is New Mexico with its historically large Spanish-speaking population and its proud history of tolerance and acceptance of Spanish heritage. New Mexico which was officially bilingual printed all government documents in English and Spanish. Far from ethnic balkanization, Hispanics in New Mexico enjoy one of the highest

rates of political participation (and hence integration into the political mainstream) in the nation.<sup>26</sup>

Where social tensions have arisen over language conflicts, language tension are the manifestation, not the cause, of underlying social problems. Historically, language has often been used as a tool of social and political subjugation. It is the suppression of native and ethnic minority languages by a dominant group that most often gives rise to ethnic conflicts, be it the "Russification" of Soviet ethnic minorities, Franco's attempt to suppress the language rights of Basques and Catalans, or South Africa's attempt to impose the Afrikaans language as the language of instruction in the schools of Soweto. Racial and ethnic hostility are fostered not by language diversity, but by the attempts of certain language groups to suppress the use of other languages in political and social discourse. See, e.g., Leibowicz, "The Proposed English Language Amendment: Shield or Sword?" 3 Yale L. & Pol. Rev. 519, 533-39 (1985) (social divisiveness has arisen and been exacerbated during the periods of intolerance and xenophobia which have led to attempts to restrict the rights of language minorities); Karst, "Paths to Belonging: The Constitution and Cultural Identity," 64 N.C.L. Rev. 303, 311-325 (1986) (describing Americanization and Know Nothing movements and enactment of restrictionist legislation, such as literacy laws, aimed at "new" immigrants during the 19th and early 20th centuries); Beardmore and Williams, "Comment," 60 Int'l Journal of the Sociology of Language 117, 120-121 (1986) (tensions in bilingual nations such as Belgium due not to bilingualism per se, but rather to historical factors and lack of equality afforded to subordinate language groups).

Most scholars agree that the conflict between French and English speakers in Canada,

<sup>26</sup> U.S. census numbers reveal voter turnout among Hispanics was at 60% in New Mexico, compared to less than 50% in California, Texas and Arizona in November 1992. See Bureau of the Census, Unpublished Data, 'Reported Voting and Registration, by Race, Hispanic Origin, and Age for States: November 1992.'

often cited by English-only proponents as the prime example of the supposed threat posed by multilingualism, is the "result of the withdrawal of, or the failure to recognize, language rights rather than the result of linguistic tolerance and generosity." Maldoff, "Comment: a Canadian Perspective," 60 *Int'l J. of the Sociology of Language* 105, 106 Fishman, ed. (1986). According to commentators, the Quebec separatist movement is a reaction to perceived economic, political and cultural subordination. If anything, Canada's tension was not caused but was in fact alleviated (at least temporarily) by the recognition of French as a co-official language, Woolard, Comment, 60 *Int'l J. of the Sociology of Language* 191, 192 (1986). There are vast differences in the role of language, religion, political memory, geographic mobility, role of politics and founding myths that make the Canadian/Quebec situation completely different from that of America. See Leibowicz, *supra*, 3 *Yale Law & Policy Review* at pp. 532-533. One of the most significant differences is the degree of language integration within the two societies. Twenty years ago, the rate of French speakers' acquisition of English was so slight that native born Spanish speakers in the Southwest were thirty times more likely than French-speaking Québécois to adopt English as their dominant language. Crawford, Hold Your Tongue, at 236. Even today only 32% of French speakers in Quebec are bilingual in English (compared to 80% of American Hispanics). Swardson, "A Free Quebec: Prosperity or Ruin?" *Wash. Post* (Oct. 30, 1995), pp. A1, A13. Most importantly, contrary to the inflammatory rhetoric of English-only proponents, there is no political movement in the United States to replace English with Spanish as our official language or to effect the secession of the Southwest from the United States.

The ACLU does not question the importance of having a common language; obviously a common language (or set of languages) is necessary as a practical matter for government and society to function efficiently. But the predicate assumption of English-only proponents — that English is the "social glue" that holds our society together — is facile.

The common bond that unites Americans of all backgrounds, origins, and languages is our shared belief and commitment to freedom, democracy and liberty. That bond runs deeper than the English language.

Domestic tranquility is achieved not through coerced conformity, but through tolerance and mutual respect. In this regard, "Official English" laws ignore the central teaching of the First Amendment. Many of the world's most virulent wars have been based on religious differences; yet, despite the diversity of religious faiths within the United States, our nation has avoided the intense heretical wars and violent theological conflicts experienced elsewhere. Why? Because the First Amendment guarantees tolerance and teaches mutual respect of different faiths, rather than allowing the imposition of an official orthodoxy. In contrast, "Official English" laws impose an official orthodoxy that breeds intolerance. It is intolerance not diversity which threatens our nation's unity.

#### CONCLUSION

"Official English" laws are unnecessary. If passed they will impose material hardships, violate constitutional rights, and exacerbate ethnic tensions. We should celebrate not fear our diversity. The rich tapestry of ethnicities and languages that comprise America is one of our greatest strengths. "Official English" laws reflect our worst fears, not our highest ideals. The ACLU urges this Committee to reject "Official English" proposals as unwise, unfair and unconstitutional.

TESTIMONY ENGLISH SEN



The National  
Foundation for  
Pacific Island  
Americans

## THE PACIFIC AMERICAN FOUNDATION

David E. K. Cooper  
PRESIDENT

21 February 1996

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**The Honorable Ted Stevens**

Chairman, Committee on Governmental Affairs

The United States Senate

340 Dirksen Senate Building

Washington, DC 20510-6250

Dear Senator Stevens,

Our organization believes that a comment is necessary for inclusion in the official record of testimony regarding "The Language of Government Act of 1995" bill which your Committee will be deliberating on March 7, 1996.

We applaud the encouragement of the use of English as our common language and strongly believe that our country should pursue policies that encourage all residents to become proficient in English. We equally are adamant in encouraging all residents to learn another language.

We are opposed to an "English only" bill or other similar language restrictionist measures that do more harm to commonly shared beliefs rooted in the First Amendment. No matter how the clever the bill is crafted, it will convey the attitude that diversity is no longer respected in our country, that the cultural languages of our indigenous Americans are expendable, that bilingual education to assist our children in becoming proficient in English will be eliminated, and that the inability of our residents to use English properly will carry penalties.

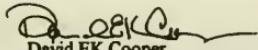
More than 97% of Americans today speak English, many proficiently. It is, in our view, already the established common language of our country.

It should be your Committee's goal to express the sense of Americans regarding our common language. We firmly believe that sense should be positive in intent and inclusive in scope. The Native Hawaiians, American Samoans, Carolinians, Chamorros, Fijians, and other Americans who can trace their ancestry to the Pacific must be encouraged to learn and communicate in their native languages as well as to be comfortable in our common language, English. Any resolution or action by our Congress to draw a line in the sand that places Americans as either first class or second class citizens based on their ability to speak and understand English violates all the principles that our country stands for.

We understand the importance for all Americans to read, write and speak our common language, English, with as much skill as practical; we value the emphasis that encourages our schools, professions, families, and vocations to stress the proper use of English as well as recognizes that the linguistic traditions of our diverse cultures occupy an important place in the history of our great country.

We appreciate this opportunity to share our thoughts with you and your Committee.

Sincerely,

  
David EK Cooper  
Brigadier General, US Army (ret)  
President

cc: Senator John Glenn, 326 Dirksen Building, Washington, DC 20510  
Senator Daniel K. Akaka, 720 Hart Building, Washington, DC 20510  
Michael J. Chun, Ph.D., Chairman, Board of Directors, Pacific American Foundation

*Linguistic Society of America*

*Elizabeth C. Traugott, Secretary-Treasurer*

CCP: 2/13/96

9 February 1996

The Honorable Daniel K. Akaka  
U.S. Senate  
Washington, DC 20510-6250

Dear Senator Akaka:

At the request of the Officers and Executive Committee of the Linguistic Society of America, I am writing to send you a copy of our recently released "Statement on Language Rights." This document was developed by the LSA Committee on Social and Political Concerns, approved unanimously by the Society's Executive Committee, and next month will be sent to the members for ratification.

We would urge you to consider this Statement as you further deliberate on legislation to make English the official language of the United States. The enclosed Statement addresses some of the misconceptions about language which have unfortunately become a part of the public debate on the role of English in our country. We hope you will find it helpful to have the thoughts and concerns of the leading experts on language, many of whom have experience with, or expertise in, bilingualism and multilingualism.

Should you and your colleagues on the Committee on Governmental Affairs determine that additional hearings would be informative and appropriate, the Society would be pleased to assist you in identifying potential expert witnesses.

I look forward to hearing from you and thank you for your consideration.

Sincerely,

*M.W. Reynolds*

Margaret W. Reynolds  
Executive Director

LINGUISTIC SOCIETY OF AMERICA  
STATEMENT ON LANGUAGE RIGHTS

The Linguistic Society of America was founded in 1924 to advance the scientific study of language. The Society's present membership of approximately 7000 persons and institutions includes a great proportion of the leading experts on language in the United States, as well as many from abroad. Many of the Society's members have experience with, or expertise in, bilingualism and multilingualism. Despite increasing interest in these topics, public debate is all too often based on misconceptions about language. In this Statement, the Society addresses some of these misconceptions and urges the protection of basic linguistic rights.

1. The vast majority of the world's nations are at least bilingual, and most are multilingual, even if one ignores the impact of modern migrations. Countries in which all residents natively speak the same language are a small exception, certainly not the rule. Even nations like France, Germany and the United Kingdom have important linguistic minorities within their borders. Furthermore, where diverse linguistic communities exist in one country, they have generally managed to coexist peacefully. Finland, Singapore, and Switzerland are only three examples. Where linguistic discord does arise, as it has with various degrees of intensity in Belgium, Quebec, and Sri Lanka, it is generally the result of majority attempts to disadvantage or suppress a minority linguistic community, or it reflects underlying racial or religious conflicts. Multilingualism by itself is rarely an important cause of civil discord.
2. The territory that now constitutes the United States was home to hundreds of languages before the advent of European settlers. These indigenous languages belonged to several language families. Each native language is or was a fully developed system of communication with rich structures and expressive power. Many past and present members of the Society have devoted their professional lives to documenting and analyzing the native languages of the United States.
3. Unfortunately, most of the indigenous languages of the United States are severely threatened. All too often their eradication was deliberate government policy. In other cases, these languages have suffered from biased or uninformed views that they are mere "dialects" with simple grammatical structures and limited vocabularies. The decline of America's indigenous languages has been closely linked to the loss of much of the culture of their speakers.
4. Because of this history, the Society believes that the government and people of the United States have a special obligation to enable indigenous peoples to retain their languages and cultures. The Society strongly supports the federal recognition of this obligation, as expressed in the Native American Languages Act. The Society urges federal, state and local governments to continue to affirmatively implement the policies of the Act by enacting legislation, appropriating more adequate funding, and monitoring the progress made under the Act.
5. The United States is also home to numerous immigrant languages other than English. The arrival of some of these languages, such as Dutch, French, German, and Spanish, predates the founding of our nation. Many others have arrived more recently. The substantial number of residents of the United States who speak languages other than English presents us with both challenges and opportunities.
6. The challenges of multilingualism are well known: incorporating linguistic minorities into our economic life, teaching them English so they can participate more fully in our society, and properly educating their children. Unfortunately, in the process of incorporating immigrants and their offspring into American life, bilingualism is often wrongly regarded as a "handicap" or "language barrier." Of course, inability to speak English often functions as a barrier to economic advancement in the United States. But to be bilingual--to speak both English and another language--should be encouraged, not stigmatized. There is no convincing evidence that bilingualism by itself impedes cognitive or educational development. On the contrary, there is evidence that it may actually enhance certain types of intelligence.
7. Multilingualism also presents our nation with many benefits and opportunities. For example, bilingual individuals can use their language skills to promote our business interests abroad. Their linguistic competence strengthens our foreign diplomatic missions and national defense. And they can better teach the rest of us to speak other languages.

8. Moreover, people who speak a language in addition to English provide a role model for other Americans. Our national record on learning other languages is notoriously poor. A knowledge of foreign languages is necessary not just for immediate practical purposes, but also because it gives people the sense of international community that America requires if it is to compete successfully in a global economy.

9. Furthermore, different languages allow different ways of expressing experiences, thoughts, and aesthetics. America's art and culture are greatly enriched by the presence of diverse languages among its citizens.

10. To remedy our policies towards the languages of Native Americans and to encourage acquisition or retention of languages other than English by all Americans, the Linguistic Society of America urges our nation to protect and promote the linguistic rights of its people. At a minimum, all residents of the United States should be guaranteed the following linguistic rights:

A. To be allowed to express themselves, publicly or privately, in the language of their choice.

B. To maintain their native language and, should they so desire, to pass it on to their children.

C. When their facility in English is inadequate, to be provided a qualified interpreter in any proceeding in which the government endeavors to deprive them of life, liberty or property. Moreover, where there is a substantial linguistic minority in a community, interpretation ought to be provided by courts and other state agencies in any matter that significantly affects the public.

D. To have their children educated in a manner that affirmatively acknowledges their native language abilities as well as ensures their acquisition of English. Children can learn only when they understand their teachers. As a consequence, some use of children's native language in the classroom is often desirable if they are to be educated successfully.

E. To conduct business in the language of their choice.

F. To use their preferred language for private conversations in the workplace.

G. To have the opportunity to learn to speak, read and write English.

11. Notwithstanding the multilingual history of the United States, the role of English as our common language has never seriously been questioned. Research has shown that newcomers to America continue to learn English at rates comparable to previous generations of immigrants. All levels of government should adequately fund programs to teach English to any resident who desires to learn it. Nonetheless, promoting our common language need not, and should not, come at the cost of violating the rights of linguistic minorities.

Prepared by the Committee on Social and Political Concerns

Approved by the Executive Committee of the LSA

February 1996

5000-1-111-0129

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25 February 1996

The Honorable Ted Stevens  
Chairman, Committee on Governmental Affairs  
The United States Senate  
340 Dirksen Senate Building  
Washington, DC 20510-6250

Dear Senator Stevens,

We have been informed that your Committee will be deliberating the merits of the "Language of Government Act of 1995" on March 7, 1996. We wish to submit for the official Senate record our view on this proposed bill.

We support the use of English as our common language and agree that all citizens should be encouraged to become proficient in English. But we also believe that Americans should be encouraged equally to learn another language.

We do not support an "English only" bill or other similar language restrictionist measures. It is our belief that such measures restrict the rights of Americans as protected under the First Amendment. We also believe that such a bill will clearly send the message that diversity is no longer important in our country. The impact falls squarely on the shoulders of our indigenous Americans who, proud of their native languages, will be forced into a dilemma.

A second impact will affect the strides made in bilingual education; we realize that the details of carrying out bilingual education may not have been supportive of the intent of the original bill, but we are concerned that the baby may be thrown out with the bath water with this bill: Bilingual education is critical to immigrant children and minority students in helping them become proficient in English.

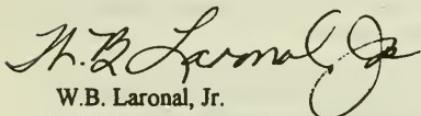
Since statistics show that more than 97% of Americans today speak English, many proficiently, we feel that English is already the established common language of our country.

As a four-state, regional journal that reaches out to thousands of Native Hawaiians, American Samoans, Carolinians, Chamorros, Fijians, and other Americans who can trace their ancestry to the Pacific, our policy has been always to encourage learning and communication in native languages as well as in our common language, English. We believe your Committee should do the same. To do less will be to place indigenous Americans, and minorities, in a continuing struggle of identification rather than affirmation of being Americans with distinct cultures and languages.

We understand the importance for all Americans to read, write and speak our common language, English, with as much skill as practical; and we support the encouragement of our schools, professions, families, and vocations to stress the proper use of English. And we just as firmly support the recognition of the important place that the linguistic traditions of our diverse cultures occupy in our society.

Thank you for the opportunity to share our thoughts with you and your Committee.

Sincerely,



W.B. Laronal, Jr.  
Editor

cc: Senator John Glenn, 326 Dirksen Building, Washington, DC 20510  
Senator Daniel K. Akaka, 720 Hart Building, Washington, DC 20510

**Mexican American  
Legal Defense  
and Educational Fund**

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**MALDEF**

March 4, 1996

Dear Senator:

On behalf of the Mexican American Legal Defense and Educational Fund (MALDEF), I urge your opposition to S. 356, the Shelby Official English Bill, and any other legislation adversely affecting language rights.

Efforts aimed at instituting an official language for the United States are dangerous, divisive, and unnecessary. Ninety seven percent of all residents in the United States are proficient in English. For those eager to learn English, the demand for English classes far exceeds availability. Clearly, in all aspects of American life, English is recognized as the common language, and those who are not proficient recognize the importance of learning English.

Of equal importance is the disputed constitutionality of these measures. To require the Federal government to conduct all government acts in English is facially vague, and potentially violates First Amendment guarantees long recognized by the Supreme Court. These measures would threaten access to representation in voting, in the court room and in schools and health facilities throughout the country, at the risk of disparate treatment of citizens, native born and immigrant alike.

Measures such as S.356 do nothing but promote discrimination and isolationism beyond the acts of the Federal government, but also to the workplace, classroom and public arena. Instead, this type of legislation reduces Federal service delivery, and threatens long held constitutional protections.

We urge your opposition of S. 356.

Sincerely,

*Antonia Hernández*

**ANTONIA HERNÁNDEZ**  
President and General Counsel

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**MALDEF**

**TESTIMONY  
OF THE  
MEXICAN AMERICAN LEGAL DEFENSE AND EDUCATIONAL FUND**

**CONCERNING**

**S. 356  
THE LANGUAGE OF GOVERNMENT ACT OF 1995**

**SUBMITTED TO THE  
GOVERNMENTAL AFFAIRS COMMITTEE  
DECEMBER 6, 1995**

**BY**

**IRMA RODRIGUEZ, NATIONAL DIRECTOR, LANGUAGE RIGHTS PROGRAM  
GEORGINA VERDUGO, REGIONAL COUNSEL  
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**Contributions Are Tax Deductible**

The Mexican American Legal Defense and Educational Fund [MALDEF] is a national civil rights organization established in 1967. Its principle objective is to secure the civil rights of Latinos living in the United States in the areas of employment, education, political access, immigration and language rights.

Language discrimination has adversely affected Latinos in the areas of education, employment, voting rights, as well as a myriad of other areas. The breadth of this discrimination has substantially impeded, and in some instances precluded, Latinos and other language minority communities from the full exercise of Constitutional and civil rights. Because of this history, MALDEF opposes legislation such as S. 356 which will disparately impact Latinos and other language minorities.

MALDEF and other opponents of the "English-only"/"Official English" movement uniformly recognize that English is the common language of the United States, and believes that all newcomers should learn English. Measures such as S. 356 do nothing to promote English fluency but instead render harmful consequences. These measures send a message of intolerance, create barriers to access to government services, and are unnecessary. Most importantly, these measures are likely to be declared unconstitutional.

The proposed legislation would require federal governmental entities to treat non-English speaking citizens and residents differently than their English speaking counterparts. It does so by denying access to critical governmental services to those who are not fluent in English. The proposed legislation would also prohibit non-English language communications by government personnel and elected officials in the conduct of their duties. As a result, S. 356 singles out language minorities for discriminatory treatment. This type of legislation

will also undoubtedly encourage private discrimination against language minorities. Given the direct and foreseeable outcome of this legislation, and the conflict with current federal laws and policy favoring access of vital services to all citizens and residents of this country including those whose primary language is other than English, MALDEF strongly opposes S. 356.

#### THE CONSTITUTIONAL PROBLEMS PRESENTED BY S.356

The "official English" law passed by initiative in Arizona in 1988 was recently declared unconstitutional by an en banc panel of the Ninth Circuit. *Yniguez v. Arizonans for Official English*, 95 Daily Journal D.A.R. 13447 (Oct. 6, 1995). Similar to S. 356, Article XXVIII of the Arizona Constitution sought to prohibit state employees from communication in non-English languages during the course of "official" business. The Ninth Circuit held that Article XXVIII was unconstitutional because it "unduly burdens their [government employees] rights as well as the speech interests of a portion of the populace they serve," *id.* at 13459, and that "Article XXVIII constitutes a prohibited means of promoting the English language." *Id.* at 13448.

In responding to the State's interest in promoting unity through the Official English Law, the *Yniguez* court stated:

Equally important, however, is the American tradition of tolerance, a tradition that recognizes a critical difference between encouraging the use of English and repressing the use of other languages. Arizona's rejection of that tradition has severe consequences not only for its public officials and employees, but for many thousands of Arizonans who would be precluded from receiving essential information from their state and local governments if the drastic prohibition contained in the provision were to be implemented.

*Id.* at 13448.

The court also noted "that the adverse impact of Article XXVIII's overbreadth is especially egregious because it is not uniformly spread over the population, but falls almost entirely upon Hispanics and other national origin minorities." *Id.* at 13459.

Like Article XXVIII, S. 356 requires that all employees and elected officials of the Government act solely in English. The language is so broad that it may regulate elections, restrict the provision of education to limited English proficient children, and may intrude into the provision of various governmental functions. As in *Yniguez*, the proposed legislation reaches far beyond the restrictions which are permissible under the First Amendment.

The proposed legislation also suffers from Constitutional infirmity because it singles out minority language speakers for differential treatment based upon an identifying characteristic of national origin. The Supreme Court explicitly requires that a number of interactions between government and its citizenry be conducted in the language best understood by some of its citizenry. *See, e.g., Lau v. Nichols* 415 U.S. 563 (1974). These interactions include voting, education, and access to justice. This legislation discriminates against non-English speaking citizens and residents by seeking to limit the range of those interactions.

The legislation purports to promote the goal of English acquisition but attempts to do so through prohibited means. The Supreme Court articulated this prohibition in *Meyer v. Nebraska* when it declared that "proficiency in English cannot be coerced by methods which conflict with the Constitution - a desirable end cannot be promoted by prohibited means." 262 U.S. 390, 401. Similarly, because S. 356 is far reaching and attempts to use the

governmental authority to compel action in an inappropriate manner, S. 356 would fail constitutional review.

#### **THE CONNECTION BETWEEN LANGUAGE AND NATIONAL ORIGIN DISCRIMINATION**

Two Supreme Court decisions address the relationship between language and national origin and how linguistic classifications can violate federal constitutional and statutory law. In *Saint Francis College v. Al-Khzraji*, 107 S.Ct. 2022, 95 L.Ed.2d 582 (1987), the Supreme Court rejected Saint Francis College's argument that the plaintiff was barred from filing a § 1981 employment discrimination claim because he was not a racial minority. The Court held that Mr. Al-Khzraji, an Arab professor, could file a § 1981 discrimination claim on the basis of his ancestry or ethnic characteristics including linguistic characteristics, finding that national origin discrimination includes discrimination on the basis of "physical, cultural, or linguistic characteristics..." *Id.* at 614 (quoting 29 C.F.R. § 1606.7) (Brennan, J., concurring). The close nexus between language and national origin was most recently reaffirmed in *Hernandez v. New York*. 111 S.Ct. 1859, 114 L.Ed.2d 395 (1991). The Court noted the following in connection with its decision that peremptory challenges to Latino potential jurors by a prosecutor were not language based challenges:

It may well be, for certain ethnic groups and in some communities, that proficiency in a particular language, like skin color, should be treated as a surrogate for race under an equal protection analysis. ... And, as we make clear, a policy of striking all who speak a given language, without regard to the particular circumstances of the trial or the individual responses of the jurors, may be found by the trial judge to be a pretext for racial discrimination.

*Id.* 114 L.Ed.2d at 413-414.

The proposed legislation directly conflicts with the Court's treatment of language minorities because the Supreme Court has recognized that language can be a national origin characteristic and the basis for protection under the equal protection clause and federal employment law.

Judicial precedent and Congressional policy further reinforce this standard. The judiciary has recognized that language can be a basis for national origin identification.<sup>1</sup> Congress has similarly recognized that remedial statutes intended, in whole or in part, to rectify historical discrimination and benefit Latinos must address their linguistic identity. The statutes include the Voting Rights Act, of 1965, as amended in 1975 and 1992, 42 U.S.C. § 1973 et seq. (1992); the Bilingual Education Act of 1968, 20 U.S.C. §§ 3221-3262 (1982); the Court Interpreters' Act, 28 U.S.C. § 1827 (1988); and the Equal Educational Opportunity Act, 20 U.S.C. § 1703(f) (1982). The federal government recognizes that citizens and residents deserve the full range of interactions with their government irrespective of their primary language.

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<sup>1</sup> *Hernandez v. Texas*, 347 U.S. 475 (1954) (recognizing Spanish surname persons as a group are protected by the Fourteenth Amendment); *United States v. Alcantar*, 897 F.2d 436 (9th Cir. 1990) (reversal and remand for new trial once defendant made out a prima facia case showing of discrimination in the selection of jurors, by eliminating fluent Spanish-speaking jurors because tapes of the defendant in Spanish would be introduced as evidence); *Gutierrez v. Municipal Court of S.E. Judicial District*, 838 F.2d 1031 (9th Cir. 1988) (striking down an English-only rule), vacated on grounds of mootness, 109 S.Ct. 1736, 104 L.Ed.2d 174 (1989); *Zamora v. Local 11, Hotel and Restaurant Union*, 817 F.2d 566 (9th Cir. 1987) (requiring translators at monthly union membership meetings for Spanish-speaking union meetings); *Olagues v. Rusconiello*, 797 F.2d 1511 (9th Cir. 1986) *en banc* (recognizing that adverse action against Spanish-speaking persons constitutes unconstitutional discrimination on grounds of national origin), vacated on grounds of mootness, 484 U.S. 806 (1987); *Puerto Rican Organization for Political Action v. Kusper*, 490 F.2d 575 (7th Cir. 1973) (upholding use of bilingual materials and assistance in voting); *United States ex rel. Negron v. State of New York*, 434 F.2d 386 (2nd Cir. 1970) (Puerto Rican defendant has a Sixth Amendment right to interpreter in felony criminal trial); *Perez v. FBI*, 707 F.Supp. 891 (W.D.Tex. 1988) (finding additional terms and conditions of employment applied to Spanish-speaking Latino employees constitutes illegal discrimination).

The proposed legislation directly conflicts with these legal and policy precedents by completely failing to acknowledge the unique relationship between language and national origin, and the discriminatory burden imposed on non-English speaking persons. Adopting this legislation evidences a direct intent to disenfranchise language minorities and other identifiable categories of persons, violating the rights of citizens and residents of the United States.

**ENGLISH ONLY/OFFICIAL ENGLISH LAWS WILL  
INCREASE DISCRIMINATION AGAINST LANGUAGE MINORITIES**

Intolerance of ethnic minorities is not new in our country. Though proponents of the "English-only"/"Official English" movement claim that a national language will unify our country, their movement has fueled division and discrimination rather than fostering unity. As the court stated in *Yniguez*, "the State cannot achieve unity by prescribing orthodoxy." 95 Daily Journal D.A.R. 13447, 13459 (Oct. 6, 1995).

While many states have enacted legislation or referenda laws declaring English their official language, many of these laws were supported by the electorate because of their "symbolic" and seemingly innocuous effect. State or local agencies have used even symbolic measures as the basis for discontinuing services in languages other than English. In turn, some private individuals and businesses have used this movement as the basis for discriminating against ethnic and language minorities. When MALDEF recently implemented a national complaint hotline, over eighty eight calls were received in forty eight hours about attempts by private individuals or companies to restrict non-English language use. (see appendix)

English-only legislation is not about helping people to learn English, but about making it more difficult for non-English speakers to participate in society, integrate, and ultimately, learn English. Neither the proposed legislation nor its supporters have any linguistic support for their position that restricting non-English languages services will "encourage" the country's citizenry to learn the English language. To the contrary, absolutely nothing in this bill concretely provides for English-language education. Rather, the bill *recommends* that any monetary savings derived from enactment of the Bill be applied to the teaching of non-English speaking immigrants the English language.

Experience teaches us that restricting services to limited-English-proficient persons has only one result-- exclusion of substantial numbers of persons from participating in our society. Rather than exclusion, a better approach is found in recognizing the linguistic and cultural diversity of our society.

#### CONCLUSION

S. 356 erects barriers to access and participation in a free and democratic society. Its proposed policy statement ignores current federal law regarding language minorities. As a result, S. 356 will deny equal access to vital government services for non-English and limited-English speaking citizens and residents; it seeks to illegitimately prohibit non-English language communications by government personnel in the conduct of their duties; it singles out language minorities for discriminatory treatment; and it will encourage private discrimination against language minorities. The Supreme Court has clearly stated that the protection of the Constitution extends to all, to those who speak other languages as well as

to native speakers. *Meyer v. Nebraska*, 262 U.S. 390 (1923). For all of these reasons, MALDEF opposes S. 356, the Language of Government Act of 1995.

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**MALDEF**

**DOCUMENTED COMPLAINTS CONCERNING LANGUAGE DISCRIMINATION  
FALL 1995**

**JC Penny**

The JC Penney hairstyling salon located at Ingram Park Mall in San Antonio had posted a memo on company letterhead that stated "This is AMERICA, we only speak ENGLISH in our salon. NO SPANISH."

MALDEF, the Lawyers Committee, along with groups of university students who organized a protest at the store worked through the media and with the store management. We received copies of letters that had been sent to JC Penney informing them that they were turning in their Penney's credit card and that they would no longer shop there.

Two Latino females who were suspected/accused of leaking the information to MALDEF were turned into "culprits". There were statements made by other staff that included "If I were to meet the person who leaked this information, I would kill them." The two Latino females were also not provided with customers and had their names scratched from the company party with a comment on the side that read "not on your life".

MALDEF was contacted by the corporate officials of JC Penney requesting a meeting with us to resolve the "misunderstanding". The meeting was held at city hall with the mayor and several council members attending the meeting. It was determined by the JC Penney company that the actions taken by the salon manager were inappropriate.

**Credit Union**

In Texas, a credit union bank teller was taken into an office by his supervisor and told it was against company policy to speak Spanish. He was left in the office and visited by the head teller, assistant branch manager, branch manager at ten minute intervals and told "it is against company policy to speak Spanish." He said he was made to feel as if he had embezzled money. He was told by the branch manager that she had contacted the vice-president of operations and was an English policy was in his employee handbook and that he was to abide by this policy.

MALDEF met with and counseled complainant about his rights and reviewed the employee handbook to evaluate the "English-only" policy that his supervisors told him to comply with -- no such policy appeared in the handbook.

A second incident occurred when the vice-president of operations later told him that "English is the official language of America, speak English." The employee questioned the

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policy, and said that he could not find it in the handbook. He was forcefully told that he was being written up for being insubordinate and challenging authority.

Immediately after this meeting, he was informed by two other tellers that they had been instructed not to talk to this employee and stay away from him. They were also asked to provide whatever information they could to get rid of him.

On Sunday evening, following his meeting with the vice-president of operations and being ostracized by the entire staff, he informed MALDEF that he had not slept or eaten in two days and that he was going to resign his position first thing Monday morning. He stated that he could no longer take the "looks" and silent treatment. A meeting was set up with the corporate people of the San Antonio Credit Union (SACU) by City Councilman Juan Solis that included the Councilman and MALDEF.

It was determined by SACU that "someone" took it upon themselves to implement something that is not company policy. In response, SACU issued a statement that included "we encourage multi-lingual communication as an essential part of doing business."

The incident that led to this situation was a statement made by the complainant as he walked into his place of employment -- "Hola como estas."

#### Food Service Delivery

In San Antonio, an employee at a fast-food franchise complained that he was told that he could not be speaking Spanish in the front. He was told that if he continued, he "would have to find something else to do" although he did not know if that was an indication that he would be fired.

MALDEF contacted the management of the store and was told that it was a total misunderstanding. The manager issued a statement that she "would not, and does not and has never supported an English-only language policy." She agreed to post a notice indicating this policy.

#### Child care

In Texas, Sunday school attendants who take care of Latino infants and children have been told that they are not to speak Spanish to the children or the parent who is dropping off or picking up the child(ren). It does not matter if the child or parent understands very little English or feels more comfortable speaking Spanish. This prohibition includes long term Spanish speaking employees.

#### Public High School

In the Panhandle area of Texas, students are given three verbal warnings for speaking Spanish, after that they are given "three swats." One female student who was "swatted" says she is more careful now and "does not get caught anymore." She was very humiliated by the whole incident and says that students are reluctant to admit being punished for speaking Spanish because other students will belittle them.

National hotel

A general manager of a national hotel was directed by the owner to inform all the employees that speaking Spanish was unprofessional and would not be allowed (of the 15 employees, 13 were Hispanic). While all members of the staff understood and spoke English, several of the housekeeping and maintenance workers spoke primarily Spanish.

The Latino general manager was told to stop issuing instructions/assignments in Spanish to the staff. Further, the owner asked only the Spanish speaking employees their country of origin and immigration status. This was done despite previous documentation and compliance with proper work authorization requirements. As a result of the English-only rule, four key Latino personnel resigned.

Health care

A doctor's office which has bilingualism as one of its requirements for employment has instructed all 16 Latino employees not to speak Spanish unless they are speaking to a non-English speaking patient. Ninety percent of the patients are Latino and require some form of translation in getting treatment or care.

Years of service range from five to fourteen years. One employee who complained about the dual standard was told "if you don't like it, you can go somewhere else" by the physician. He continued asking this employee when she would be turning in her resignation.

Nursing home attendants have been told that they cannot speak Spanish. As two attendants with patients were passing each other on the way to/from showering the patients, a supervisor told them "this is the last time I am telling you, no Spanish." The patients that were being showered were Spanish speaking.

All of the housekeeping staff is Latino, a majority of the residents/patients and attendants are also Spanish speaking. The housekeeping staff has been told that if they are caught speaking Spanish, they will be fired.

# NCLR

NATIONAL COUNCIL OF LA RAZA

Raul Yzaguirre, President

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**OPPOSE S. 356 -- As *USA Today* says:**  
**"[It is a] phony solution in search of an imaginary problem"**

March 5, 1996

Dear Senator:

As the President of the National Council of La Raza (NCLR) -- the nation's largest Hispanic constituency-based organization -- I urge you to oppose S. 356, the "Language of Government" Act, which would designate English as the nation's "official" language and require all official government business to be conducted in English. These initiatives are some of the most repugnant to the Latino community and to the many groups who comprise our network of affiliates for a number of reasons, but primarily because they are unnecessary, divisive, and discriminatory.

NCLR agrees that English is a critical asset for immigrants and native-born Americans alike; however, we disagree heartily that an official language amendment will accomplish the goal of bringing people together. Instead, based on experiences in states such as Arizona, California, and Florida, where such laws were passed, they have often resulted in division and discrimination against those who look or sound "foreign."

Moreover, NCLR believes that English is already our common language: according to the U.S. Census, 97% of all U.S. residents speak English; of the 32 million residents who speak a language other than English at home, the majority also speak English "well" or "very well." Supporters of English-only laws claim that by making English the "official" language of the country, immigrants will suddenly decide to learn English. This assumption is based on the false premise that immigrants need the additional coercive power of government to learn English. The fact is that immigrants, Hispanic or otherwise, want to learn English. There are simply not enough opportunities for them to do so. In addition, contrary to the claims of English-only advocates, these bills would do nothing to actually facilitate the acquisition of English by a single person.

These English-only bills could lead to frivolous litigation, as the bill establishes standing in federal court to sue if any section of the bill is violated. In addition, by preventing government officials from communicating with its residents in languages other than English, the island of Puerto Rico, which is populated by 3.6 million Spanish-speaking U.S. citizens, would be effectively cut off from the U.S. government.

Finally, the governmental intrusion and citizen vigilantism which these bills would create run counter to the best interests of our nation and of the traditional tenets of our democracy. The government has neither a substantial interest nor a constitutional right to regulate the speech of its people. Our founding fathers declined to name an official language for this country; there is no reason to do so now.

Again, I urge you to oppose S. 356 and any other manifestation of "Official English" laws. Please feel free to call me at (202) 785-1670.

Sincerely,



Raul Yzaguirre  
President



Program Offices: Phoenix, Arizona • San Antonio, Texas • Los Angeles, California • Chicago, Illinois  
**LA RAZA: The Hispanic People of the New World**

# Phony solution in search of an imaginary problem

**OUR VIEW** Politicians are using official English to pander to public fear of immigrants.

Senate Majority Leader and presidential candidate Bob Dole obviously recognizes a popular slogan when he sees one. Monday, he became the latest advocate for making English the nation's "official language."

Official-English bills have been kicking around in Congress for years, and laws or constitutional amendments have been adopted in 22 states, including New Hampshire, Montana and South Dakota this year. The idea is simple and easy to sell. Unfortunately, it's also a feel-good answer to a largely imaginary problem — that American culture is threatened by non-English speakers. Dole, for instance, said "ethnic separatism" threatens the nation.

Hardly. While 32 million U.S. residents speak a foreign language at home, the vast majority speak English as well. Only 0.8% of the population, hardly enough to be a menace, can't speak English.

Census data show that nearly 90% of Latinos ages 5 and older speak English at home. And 98% of Latinos surveyed said they feel it is "essential" that their children learn to read and write English "perfectly."

In fact, the vast majority of today's Asian and Latino immigrants are acquiring English proficiency and assimilating as fast as did earlier generations of Italians, Russians and Germans. More than 95% of first-generation Mexican-Americans are English proficient, and more than 50% of second-generation Mexican-Americans have lost their native tongue altogether.

What would making English official mean? Dole didn't say. He hasn't endorsed any of the proposals pending in Congress.

But others have. The most widely supported, with 180 co-sponsors in the House and 17 in the Senate, would bar taxpayer

funding of publications, forms and ceremonies in other languages and call on government to "preserve and enhance the role of English." A hearing is scheduled Oct. 18.

Two other bills would require all government communications to be in English, terminate support for bilingual education and end the Voting Rights Act requirement that election ballots be available in other languages where there are heavy concentrations of minority-language speakers.

A fourth would write an official-English provision into the Constitution.

State and local experience suggests none of them would achieve anything of value. Even backers are hard pressed to cite positive results, for government is in fact overwhelmingly conducted in English already.

Meanwhile, anecdotal evidence suggests official English invites unexpected trouble. Hundreds of complaints have been filed against employers, shopkeepers, even bus drivers who cited official-English laws — wrongly — as grounds for firing workers or denying service.

A federal law would do no better.

The notion of barring native-language voting help to elderly immigrant-citizens, whom it was designed to help, is downright mean-spirited.

And bilingual education, except for minor financial support, isn't even a federal issue. Done right, it helps children get started in substantive schooling while also learning English. Most youngsters in the programs move into regular classes in less than three years.

Where it's done wrong, the states and school districts that control education — not Congress — will have to find an answer. And official English is not it.

In Georgia and Maryland this year, governors rejected political pandering and vetoed official-English bills. In seven other states, proposals failed in the legislature.

Official English is one more law we're better off without.



The American Jewish  
Committee

OFFICE OF GOVERNMENT AND INTERNATIONAL AFFAIRS  
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March 7, 1996

STATEMENT OF THE AMERICAN JEWISH COMMITTEE  
IN OPPOSITION TO  
THE "LANGUAGE OF GOVERNMENT ACT OF 1995"  
(S.356)

The American Jewish Committee is opposed to S.356, which would declare English to be the official language of the United States. This bill, like the "English Only" movement generally, is divisive and negative and will not help anyone to learn English.

It is, to be sure, the AJC's belief that America has, and should continue to have, one common language, English, in which all should be proficient. But the attempt to legislate this desire exploits fears of social change and perpetuates the misconception that today's immigrant groups do not want to learn English. Large numbers of non-English speaking Americans are regularly turned away from oversubscribed English-language classes around the country. We do not need laws to help people learn English, we need to improve access to the educational programs which teach English.

S.356, even as the immigration legislation now pending in both Houses of Congress, reflects a negative attitude toward immigrants and immigration that is inconsistent with the positive contribution that immigrants have made to this nation. Our nation gains vitality from each of its various ethnic groups and should see their languages as well as their cultures as valuable resources for the country as a whole. The use of languages other than English to meet the needs of language minorities does not pose a threat to English, which is already recognized as the primary language of the United States.

Rather than consideration of misguided efforts that will feed an already dangerous atmosphere of resentment, we urge instead that:

\*English competency programs receive strong support both for students in schools and for adults through community-based instructional programs;

\*Bilingual programs be competently run and adequately supported so that they are available to students who need them to maintain their educational levels while they learn English;

(more)

\*No school program or government agency do anything to denigrate home languages, which are often the key factors in community and family cohesion among immigrants;

\*Educational programs, as a matter of national interest, seek to foster linguistic capacities among all Americans by stressing foreign language education, a necessity for a world which more and more demands multi-lingual speakers.

In the end, it will be efforts to expand English proficiency and literacy that will do more to establish the primacy of English than the waste of precious energy on dubious legislation.



## Leadership Conference on Civil Rights

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Karen Motil Lawton

March 5, 1996

Dear Senator,

On behalf of the Leadership Conference on Civil Rights, a coalition of 180 national organizations representing minorities, women, persons with disabilities, older Americans, labor, gays and lesbians, and major religious groups, we ask you to oppose S. 356, "The Language of Government Act of 1995." While we agree that English proficiency is very important for success and full participation in American society, this legislation is ill-suited to achieve those ends and if enacted, would have devastating effects on the civil rights of countless Americans.

As you know, S. 356 would amend Title IV of the United States Code to make English the "official" language of the Government of the United States. It also stipulates that all "official business" of the United States shall be conducted in English. Absent further legislative clarification, however, S. 356 could be interpreted to apply to other "unofficial" governmental communications as well. For instance, S. 356 could be interpreted as a repeal of Section 203 of the Voting Rights Act and the Bilingual Education Act.

Proponents of S. 356 believe the United States is in danger of losing English as its "mother tongue" and concomitantly, that immigrants do not already have enough of an incentive to learn English. The available research, however, indicates otherwise.

According to the latest census figures, over 97 percent of the population speak English "well" or "very well." In addition, studies indicate that immigrants are learning English faster than ever before. English as a Secondary Language (ESL) classes in Chicago, New York and Los Angeles have extensive waiting-lines. The sponsors of this legislation contend the purpose of this Act "is to help immigrants better assimilate and take full advantage of economic and occupational opportunities in the United States." If they are sincere in their aim, a better solution would be to fully fund these transitional programs.

"*Equality In a Free, Plural, Democratic Society*"

In short, America's strength lies in its diversity and our laws should promote mutual respect and preserve this diversity. S. 356 instead targets individuals for discriminatory treatment based solely on their language minority status. In a nation comprised of immigrants, there will always be people making the transition from their native language to English. Refusing to serve these individuals until they learn English unnecessarily establishes artificial walls, rather than fostering unity and building bridges.

S. 356 is so seriously flawed that no amendments would adequately address our concerns. Consequently, we ask that you oppose the bill in its entirety. If you have any questions, please feel free to call us at (202) 466-3311.

Sincerely,

*Dorothy Height*  
Dorothy I. Height  
Chairperson

*Richard Womack*  
Richard Womack  
Acting Executive Director



# Leadership Conference on Civil Rights

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**For Immediate Release**  
March 6, 1996

Contact: Richard Womack  
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**Statement of Richard Womack**

**Acting Executive Director**

**Leadership Conference on Civil Rights**

**Opposing the Language of Government Act of 1995**

Richard Womack, Acting Executive Director of the Leadership Conference on Civil Rights, issued the following statement opposing S. 356, The Language of Government Act.

"The Leadership Conference on Civil Rights (LCCR), a coalition of 180 national organizations representing minorities, women, persons with disabilities, older Americans, labor and major religious groups, strongly opposes Congressional initiatives to declare English as the official language of the Government of the United States. Although we agree that English proficiency is very important for success and full participation in American society, such stringent legislation is counterproductive, creates divisions, disregards constitutional rights, and threatens the health and well-being of many Americans.

"There is no need for English-Only legislation. Proponents of English-Only Legislation posit that English is in danger of losing its place as our national tongue. Conversely, the 1990 Census reported that 97% of the population above the age of four speaks English 'well' or 'very well'. Thus, there is no need for government coercion to learn English.

"Moreover, the vague language of the legislation harbors critically harmful consequences. If enacted the measure could:

- effectively disenfranchise non-English speakers by repealing Section 203 of the Voting Rights Act which requires bilingual assistance in the voting process;
- deprive language minority litigants of their due process by denying them the right to have court interpreters available for judicial proceedings;

-OVER-

"Equality In a Free, Plural, Democratic Society"

- threaten the safety of individuals by prohibiting the availability of emergency health services in languages, other than English;
- interfere with the effective operation of government programs by prohibiting government workers --such as IRS auditors, agricultural inspectors, public health workers, prison guards, etc. -- from using languages other than English in the performance of their duties; and
- eliminate the availability of transitional bilingual education services for limited English proficient (LEP) children who according to the Department of Education perform *better* in English and other subjects than children enrolled in English immersion programs.

"The Leadership Conference on Civil Rights has as one of its principles a commitment to an integrated, democratic, pluralistic society in which every individual is accorded equal rights, equal opportunities and equal justice without regard to race, sex, religion, disability, age, or ethnic origin. The Language of Government Act of 1995 contravenes this principle which advocates that every group be accorded an equal opportunity to enter fully into the general life of the society with mutual acceptance and regard for differences. English-Only legislation has no place in a country that embraces diversity and wears the robe of equal opportunity for all individuals."

**nea**  
NATIONAL EDUCATION ASSOCIATION

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Keith Geiger, President  
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GOVERNMENT RELATIONS  
 Mary Elizabeth Teasley, Director

March 6, 1996

Governmental Affairs Committee  
 United States Senate  
 Washington, D.C. 20510

Dear Senator:

On behalf of the 2.2 million-member National Education Association (NEA), I urge you to oppose Senator Richard Shelby's S. 356, the Language of Government Act of 1995, which would compel the government to communicate its business in English only. This bill would pose a serious threat to the educational opportunities of our nation's language-minority children and their families. So-called protections in the bill would, in reality, eliminate opportunities for learning English and create national disunity by establishing a class of non-English speaking "outsiders" whose right to a public education would be restricted. The bill would so negatively impact language-minority students that it is impossible to fix it through amendments and, therefore, must be defeated.

The NEA believes that all students should be proficient in speaking, reading, and writing English. Yet S. 356 would eliminate existing laws such as the Bilingual Education Act and the Native American Language Act which are among the most successful programs for teaching English and core subjects. These programs need to be fully funded, not cut.

By allowing people to sue the government for not using English, this bill would encourage individuals to police anyone's use of languages other than English, fostering a climate of fear that would prevent government agencies from assisting all citizens equally.

An English Only law is unnecessary. In fact, 97 percent of U.S. residents speak English, according to the 1990 U.S. Census. Those who don't speak it are trying to learn, but are limited by a lack of programs and other opportunities to learn English. We urge you to view diversity in language not as a detriment, but a valuable resource in a global economy. We urge you to oppose S. 356.

Sincerely,

*Mary Elizabeth Teasley*

Mary Elizabeth Teasley  
 Director of Government Relations



NATIONAL EDUCATION ASSOCIATION

STATEMENT  
OF THE  
NATIONAL EDUCATION ASSOCIATION

ON  
S.356  
LANGUAGE OF GOVERNMENT ACT OF 1995

SUBMITTED TO  
THE GOVERNMENTAL AFFAIRS COMMITTEE

UNITED STATES SENATE

MARCH 7, 1996

Mr. Chairman and Members of the Committee:

The National Education Association (NEA), which represents 2.2 million education employees in our nation's public elementary, secondary, vocational, and postsecondary schools, appreciates the opportunity to submit this statement opposing S.356, the Language of Government Act of 1995.

NEA believes that all students in America's public schools should be proficient in speaking, reading, and writing English. If they are not, they must be provided with the assistance they need to gain English skills. Teachers, parents, and schools working together at the local level are best qualified to determine how this learning should take place. S. 356 would usurp local efforts by involving the federal government in the relationships between teachers and students, teachers and parents, and parents and their children.

S. 356 would be an enormous obstacle to parental participation in schools, an essential ingredient for children to succeed in school. It would prevent schools from sending a newsletter or note to parents in a language other than English. It would make it illegal for a teacher to speak anything but English during an evening telephone call to a student's parents. It would prevent teachers from tailoring education strategies to fit the needs of individual students. Enforcement of such a far-reaching and intrusive law would invade the privacy of teachers, students, and parents. Teachers and schools must be free to use their best professional judgment of when and how to communicate with students and parents.

S. 356 would needlessly harm many students, while doing nothing to help teachers teach and students learn. In fact, it would repeal federal bilingual education and Native American language programs, causing many students to fall hopelessly behind in their education, and jeopardizing their economic futures. According to a report in the October 9, 1995 issue of *Time* magazine, serious research points toward a consensus that children learn English faster and are more likely to excel academically if they are given instruction in their native language first.

S. 356 would place yet another inappropriate burden on teachers and schools. Teachers are already required to act as counselors, nurses, social workers, and, if legislation in some states prevails, Immigration and Naturalization Service agents. Compelling teachers to enforce the English Only provisions of S. 356 would infringe on valuable instruction time. It would also violate the code of ethics of the education profession as adopted by NEA, which establishes the educator's obligation and responsibility to protect all students from conditions that are harmful to learning, and to work for the guarantee of equal educational opportunity for all. S. 356 would put public schools in a difficult situation, since public schools are the places where values such as tolerance and respect for differences are taught.

The dynamic between teacher and student is intensely personal. It is often more so with limited or non English-speaking students. Less than two weeks ago, Alfredo Pérez, a fifth-grade, public school teacher in Los Angeles, was struck in the head by a stray bullet as he studied in the school library with his students. In the aftermath, several of his students told

reporters from the *Los Angeles Times* that Pérez was more than a teacher to them. "I loved him like a father," said one of his 11-year-old students. Pérez, who remains in intensive care, is bilingual in a school where 70 percent of the students are Latino. He spoke English and Spanish to his students, continuously assessing which combination of the languages best resulted in learning for each student. Teachers and schools need the freedom to exercise professional judgment in determining which techniques result in the highest learning standards.

Requiring the exclusive use of English doesn't make sense in our world economy. Faced with the transition from the industrial to the information age, the unique challenges of today's classrooms need solutions, not restrictions, for preparing each student for the high-skill jobs of the future. An English Only law would make it more difficult to prepare students for these technology-based jobs of the future. Diversity in language gives our students a competitive edge in domestic and worldwide job markets.

S. 356 would set a national tone that could hurt United States businesses and interfere with private enterprise. For example, in 1985, U.S. English, a proponent of English Only, challenged the Pacific Bell phone company for providing its customers with Spanish-language services and a Florida real estate developer for advertising in a Spanish-language newspaper.

Although NEA believes that it is not the intent of the sponsors, enforcement of S. 356 would make outsiders of those still learning English and cruelly make students feel that their native language is suspect and unpatriotic. S. 356 must not be used to punish students in this manner, simply because they are unable to speak English when they come to school. As a teacher in Florida said, "I don't care how a child gets to my classroom. I only care where they are going to go from here."

An English Only law is unnecessary if, as S. 356 states, "by learning the English language, immigrants will be empowered with the language skills and literacy necessary to become responsible citizens and productive workers in the United States." According to the 1990 Census Bureau, 97 percent of United States residents speak English. Those who don't speak it are trying to learn, but the demand for opportunities to learn English far outweigh the services available. In Los Angeles alone, 50,000 people are on a waiting list for English instruction. Once again, S. 356 would create -- not remove -- obstacles to learning English by eliminating federal bilingual education and Native American language programs, which are proven methods of learning English.

Shared values -- not a common language -- are the historical bonds that hold our country together. NEA believes that public schools play a significant role in promoting national unity by teaching the ideals and values of freedom, equality, and tolerance for differences. We urge Congress to provide public educators with the flexibility and resources necessary to continue carrying out this important work. We urge you to oppose S. 356.

## AMERICAN ASSOCIATION OF UNIVERSITY PROFESSORS

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WASHINGTON, D.C. 20005-3465  
FAX: (202) 737-5526  
(202) 737-5900

*President:*  
JAMES E. PERLEY  
College of Wooster

*General Secretary*  
MARY BURGAN

March 5, 1996

Dear Senator:

As general secretary of the American Association of University Professors, I am writing to urge you to oppose S. 356, which would declare English as the official language of the United States. Although English is spoken by the overwhelming majority of Americans, and has been for the entire history of the country, the United States has never had an official national language. This speaks to the unique diversity of peoples who make up the population of the nation.

English-only laws violate the First Amendment right to free speech for government employees, elected officials, and the people they serve. S. 356 strongly resembles an Arizona English-only statute recently ruled unconstitutional by the Ninth Circuit Court of Appeals.

S. 356 also allows anyone who believes that they have been discriminated against for communicating in English to the federal government to sue in federal court. Even though there have been no documented cases of discrimination for communicating to the federal government in English, given the litigious nature of our modern society this provision could easily spark countless frivolous lawsuits.

Finally, this bill seeks to answer a non-existent problem. According to the 1990 census over 97 percent of Americans speak English. Statistical studies are being used to show the number of Americans who speak a language other than English. These studies fail to report that those individuals speak a language other than English along with English, a distinction that makes a world of difference.

America has remained a strong and united country because of shared ideals and values based on our strong traditions of freedom, democracy, equality, and tolerance. An official language cannot strengthen those traditions. Please oppose this unconstitutional and unnecessary bill.

*Sincerely yours,*

Mary Burgan  
General Secretary

NATIONAL PRESIDENT  
Michael C. Lin  
VICE PRESIDENT  
Edward Wan  
SECRETARY  
Adeline Young  
TREASURER  
Raymond Wong  
GENERAL COUNSEL  
Linda Mar Weidman



**ORGANIZATION OF CHINESE AMERICANS, INC.** 協美  
EMBRACING THE HOPES AND ASPIRATIONS OF CHINESE AMERICANS IN THE UNITED STATES  
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會華

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Northern Virginia  
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WASHINGTON  
Greater Seattle  
WISCONSIN  
Wisconsin

OVERSEAS CHAPTER  
HONG KONG

March 5, 1996

Dear Senator:

The Organization of Chinese Americans (OCA) would like to express our strong concerns in opposition to S. 356 the "Language of Governments Act of 1995". We believe the basis for this legislation is unnecessary and that any and all amendments to S. 356 would be futile to improving the bill.

For the Asian Pacific American community, we know that English is the language of the United States and that in order to succeed in this country we need to have the language capabilities. We strongly believe that to legislate English as the Official language states to us who have bilingual or multilingual capacities that our other languages skills are "unofficial" and not really "American". We also find it hypocritical that other languages may be used in the country only in specific areas one being international trade. So when the U.S. is able to benefit financially from additional language skills it is okay to make an exception to the English-only law?

We firmly urge you to oppose S. 356, legislation that has no use, and attempts to solve a non-existent problem.

Sincerely,

*Michael C. Lin*

Michael C. Lin, Ph.D.  
National Pre

*Making Tomorrow's Dream Today's Reality*  
*OCA National Convention*  
*June 27-30, 1996 • San Francisco, California*



## American Friends Service Committee

1501 Cherry Street, Philadelphia, Pennsylvania 19102-1479 • Phone: 215/241-7000

DONALD S. GANN  
Chairperson  
KARA L. NEWELL  
Executive Director

March 1, 1996

Dear Senator:

We are writing to urge your opposition to S. 175, the Language of Government Act, as well as any other legislation making English the official language of government. The American Friends Service Committee is a Quaker organization committed to social justice, peace and humanitarian service in the U.S. and abroad. Our long experience working with immigrants and Native American communities has led us to speak out in defense of the right of all people to preserve their national identity, ethnic heritage and mother tongue. We are deeply disturbed by legislation that violates that right. We are also concerned that this legislation would interfere with the sovereign right of Native American tribes to conduct governmental affairs in their own languages.

By limiting almost all communication with the government to English, the bill would impair the ability of millions of citizens and immigrants to communicate with their government representatives and to receive services from federally-funded agencies; for citizens, it would interfere with the right to vote. At the same time, the legislation does nothing to increase the availability of ESL instruction.

It would hurt all residents of the United States by endangering public safety. Prohibiting law enforcement agencies from communicating in languages other than English would impede basic law enforcement activities. The exceptions allowing for the protection of criminal defendants and victims of crimes do not protect legal and civil rights of those not charged with crimes or those in civil court proceedings. Immigrants who come in contact with the INS, either at ports of entry, along the border, or in a courtroom, could be deprived of their legal and civil rights due to an inability to communicate or to understand their legal situation. In the conduct of border enforcement, immigrants and INS Border Patrol agents alike would be placed in great danger by this legislation.

Finally, the legislation would promote hostility and fear in our society, and deny the richness and strength that linguistic and cultural diversity brings to this country. Instead of increasing divisions in society by limiting access for immigrants to services, we should value the important contributions, including linguistic skills, that immigrants and Native Americans bring.

Sincerely,

Joyce Miller  
Director, Community  
Relations Division



## Asian Pacific American Labor Alliance

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### Executive Director

Matthew H. Finucane

### National Office

1101 14th Street, NW

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March 4, 1996

Dear Senator:

The Asian Pacific American Labor Alliance, AFL-CIO (APALA) opposes the proposed "English-Only" legislation. APALA is made up Asian Pacific American workers, including many immigrants struggling to survive in America. Learning English has always been a high priority of America's immigrant communities, and we strongly protest any legislation that would penalize and stigmatize those who have not yet learned English.

The proposed legislation cannot work at any level, whether it is the national, state, or local. APALA believes that public agencies should provide information about health, education, law enforcement, social services, voting and worker rights in as many languages as possible. This will allow immigrants the opportunity to integrate into our society and contribute to our social fabric and economic system. It will also allow them to avoid exploitation and abuse. We agree with the AFL-CIO that isolating immigrants who have not yet learned English will not lead to integration, but only to mistreatment and discrimination.

In a country that celebrates the diversity of each person's heritage and culture, "English-Only" legislation is hypocritical and unfair. Is it just a coincidence that this legislation comes at a time when immigrants are largely people of color? We urge you to vote against S.356, and concentrate instead on making English language courses available to the thousands of students and adults who want them.

Sincerely,

Matthew Finucane  
Executive Director

NATIONAL COUNCIL FOR LANGUAGES  
AND INTERNATIONAL STUDIES**NCLIS**

1118 22nd STREET, N.W.  
WASHINGTON, D.C. 20037  
TELEPHONE (202) 466-2666  
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COMPUSERVE 76306,535

March 5, 1996

Dear Senator,

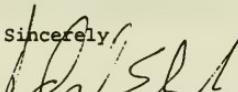
On behalf of the Joint National Committee for Languages (JNCL) and the National Council for Languages and International Studies (NCLIS), I write to oppose English as the official language legislation. JNCL-NCLIS' membership consists of sixty scholarly and professional associations concerned with all aspects of language education from kindergarten to post graduate studies and language usage from the humanities and research to defense and commerce. Languages ranging from English and ESL to the Classics to Spanish, to Japanese and Arabic are represented by the members of JNCL-NCLIS. Our members are uniformly concerned and have serious reservations about legislation to proclaim a national language or to give any language official status.

There is agreement among our members that English has been and will continue to be the common language of the United States, and that the primacy of English as the language of social, political, and economic life in this country is not threatened in any way. English is the *de facto* national language and is recognized as such by long-time residents and new immigrants alike.

Official English legislation is unnecessary. Despite proposed exceptions in some of the pending legislation, many thousands of language minority students would still be disenfranchised by any law declaring English the official language of the United States. English language laws would hinder educators' abilities to teach and students' opportunities to learn. Official English laws send a negative message to our citizens whose first language is not English and reinforces the global image of chauvinistic "ugly Americans".

For these reasons, we urge you to oppose any attempt to legislate a national or official language.

Sincerely,

  
J. David Edwards, Ph.D.  
Executive Director

lto

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Washington Office

# ALA American Library Association

March 5, 1996

Dear Senator:

The American Library Association is a nonprofit, educational organization of more than 57,000 librarians, trustees, educators, friends of libraries, and other library supporters dedicated to access to library and information services for all Americans. The Association strongly opposes all laws, legislation and regulations relating to language which have the effect of restricting or abridging pluralism and diversity in library collections and services. Legislation pending before the Senate, the "Language of Government Act of 1995" (S.356), could exert a chilling effect on the rights of citizens who speak and read languages other than English to inform themselves, to vote and to participate fully in the cultural and political life of the United States.

Freedom of expression is the first of our liberties guaranteed by the Bill of Rights. The freedom to read, an important component of the freedom of expression, is essential to our democratic society. America's libraries fulfill a unique role in facilitating the freedom to read by making available a full range of resources and services to all individuals in our culturally and linguistically diverse nation. Libraries have been, and will continue to be, leaders among American institutions in promoting basic literacy, the learning of English, and training for citizenship.

English is *de facto* the primary language of the United States, and is important to national life, individual accomplishment, and personal enrichment and fulfillment. But restrictionist language laws could be used to discourage, abridge or deny the rights of citizens who speak languages other than English, thus inhibiting and limiting freedom of expression and access to resources and services.

On behalf of the American Library Association, I urge you not to sponsor or vote for any bill that would establish English as the official language of government.

Sincerely,

Betty J. Turock  
President  
American Library Association



**Hispanic Association  
of Colleges and Universities**

March 6, 1996

Dear Senator:

The Committee on Governmental Affairs tomorrow will be hearing from a panel of witnesses regarding S. 356, legislation to make English the official language of government. On behalf of the Hispanic Association of Colleges and Universities (HACU), I write to bring to your attention our concerns with S. 356 or any other legislation, which would create a burdensome and completely unnecessary Federal "Official-English" mandate.

HACU is a national organization representing Hispanic-Serving Institutions (HSIs) of higher education in the United States and Puerto Rico. Our mission includes promoting the development of member colleges and universities as well as improving access to, and the quality of, postsecondary educational opportunities for Hispanic students. HACU believes English already is the common language of this great nation. Citizens and immigrants alike want to learn, and should be able to learn, English. To that end, we support English as a Second Language (ESL), literacy training, and bilingual education programs, which strive to educate all citizens on the English language.

HACU opposes S. 356 and other similar "English-only" proposals, which can only serve to polarize the nation by excluding individuals from receiving critical public information and public services. We also are concerned that citizens would be denied their constitutional rights to communicate with their elected officials. HACU supports the Voting Rights Act, which offers all citizens the opportunity to vote using bilingual ballots. Multilingualism, at home and abroad, will enhance intergroup communication, international economic development, and business opportunities.

We urge you to reject S. 356 and other similar proposals that would require "English-only" communications between government and its people. We should not deny individuals the opportunities to become informed citizens and residents of this nation. We believe that S. 356 will only serve to alienate members of our society. We appreciate your attention to our concerns.

Sincerely,

Ricardo Martinez  
Executive Director

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Washington, DC 20036  
(202) 833-8361  
FAX (202) 833-8367



## National Puerto Rican Coalition, Inc.

March 5, 1996

Dear Committee Member:

On behalf of the National Puerto Rican Coalition, Inc (NPRC), I am writing to express my opposition to S.356 "The Language of Government Act," as introduced by Senator Shelby (R-AL). Through the Jones Act of 1917, Puerto Rico was granted U.S. citizenship in full recognition that English was not its primary language. Subsequent legislation and judicial opinions, have enforced the status of Puerto Ricans as Spanish-speaking Americans. Along with other Americans whose first language is not English, they have a right to exercise their privileges of citizenship in their native language if there exists the need.

NPRC acknowledges that a fluent command of the English language is an important factor in the socioeconomic participation and success of American citizens. However, the legislation that is currently on the political platform is a regressive approach to achieving this goal. Among the harmful effects that this legislation will create would be prohibiting the availability of bilingual voting information and denying the use of court interpreters for judicial proceedings, a measure that would deny non English speaking citizens of their due process rights.

This legislation would also curtail bilingual education efforts impeding the ability of those who wish to learn the English language. In addition, Senator Shelby's bill allows anyone who feels they have been discriminated against to sue fellow citizens and/or the Federal government, because a foreign language was used in their presence. A provision that would inevitably cause frivolous litigation. With so many measures present it is apparent that no number of exemptions or amendments can provide an acceptable alternative bill. S. 356 is beyond repair.

In a society that is becoming increasingly global, the expansion of markets beyond U.S. borders has indicated that those 32 million Americans who speak languages in addition to English are at a competitive advantage. This should be indicative to America that learning more languages is what should be encouraged. America's cultural vitality stems from its diversity and pluralism, thus we should strive to preserve this linguistic and cultural diversity and promote mutual respect for all Americans.

We urge you to oppose S. 356 "The Language of Government Act of 1995." If we can be of any assistance, please contact Jennie Torres, Director of Policy Development & Research at (202) 223-3915. We look forward to working with you.

Sincerely,

*Manuel Mirebal*  
Manuel Mirebal  
President & CEO

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NATIONAL  
ASSOCIATION  
— for —  
BILINGUAL  
EDUCATION

**Testimony of James J. Lyons, Esq., Executive Director  
National Association for Bilingual Education  
Before the Senate Governmental Affairs Committee  
March 6, 1996**

Mr. Chairman, thank you for the opportunity to submit testimony before the Committee on S 356, the Language of Government Act, introduced by Senator Shelby.

My name is Jim Lyons and I am Executive Director of the National Association for Bilingual Education (NABE). NABE is a national, nonprofit organization dedicated to improving educational opportunities for language-minority children and to empowering language-minority families. Founded in 1976, NABE and its 26 state affiliates have approximately 15,000 members, drawn from nearly every segment of the educational community. NABE members are teachers, paraprofessionals, researchers, administrators, corporate citizens, and parents. They all have one thing in common: a commitment to top-quality education for language-minority students.

My testimony will be brief. I would simply like to offer the Subcommittee 10 reasons why English-Only proposals are both highly unnecessary and deeply dangerous.

**Reason 1: English-Only is a debate about new government regulations on language use, not about the importance of speaking English in the U.S.**

You have heard other witness imply that those opposed to English-Only are opposed to speaking English. Nothing could be farther from the truth. Everyone -- English-Only proponents and opponents, immigrants, ethnic minorities, and language minority leaders -- recognizes that it is impossible to take advantage of all the opportunities offered by the U.S. unless one speaks English. In fact, it is organizations like NABE and others who oppose English-Only who are in the front lines offering language minorities the opportunity to learn English and other skills essential to succeeding in America. So the issue is not about the importance of English. Rather -- and I want to underscore this point -- the issue is whether it is necessary or wise to enact new government laws or regulations on language use in the form of S 356.

**Reason 2: S. 356 is English-Only and likely unconstitutional.**

As the Ninth Circuit court of Appeals expressed in its recent decision striking down the Arizona state English-Only case, the purpose and effect of English-Only legislation is to make it illegal for government employees or documents to communicate in a language other than English. Make no mistake, if a government employee were to speak to a taxpayer in Spanish because it was easier to get his or her message across, they would be breaking federal law. S. 356 strongly resembles

**Reason 3: English-Only is unnecessary.**

Over 97 percent of Americans speak English, according to the Census. It is important to distinguish the ability to speak English and another language and the ability to speak English. Two weeks ago, Congressman Roth testified that over 30 million Americans speak languages other than English. That is true. But what he neglected to say was that the overwhelming majority of Americans who speak foreign languages also speak English. In fact, research shows that today's immigrants are learning English faster than previous generations.<sup>1</sup> In Los Angeles, demand for English class is so great that some schools run 24 hours a day and 50,000 students are on waiting lists. English-Only is also unnecessary because more than 99.9 percent of federal documents are in English, according to a report by the General Accounting Office (GAO).

**Reason 4: English-Only laws would prompt extensive, divisive, and frivolous litigation.**

The proposed English-Only laws would allow anyone who believes that they have been discriminated against for communicating in English to the federal government to sue in federal court. There are no documented cases of discrimination for communicating to the federal government in English. It could potentially allow those disgruntled with government services to sue over accents or dialects spoken by federal employees. Some proposed English-Only laws would even permit citizens to sue one another in federal court over a violation of the new federal "preference" for English in private communication among citizens.<sup>2</sup>

**Reason 5: American ideals of freedom, democracy, and tolerance -- not language -- have been and always will be the bonds that hold America together.**

America has remained strong and united because we share a common set of ideals and values based on American political traditions of freedom, democracy, equality, and tolerance.

American soldiers in World War II did not fight to "make the world safe for English," but rather to "make the world safe for democracy." An official federal language could not have prevented the American Civil War nor could it have prevented the current civil strife in the former Yugoslavia.

**Reason 6: The United States is not Canada.**

First, no responsible person has suggested that the United States should be officially bilingual or that English should be replaced as our common national language. Second, no group of language-minority Americans has ever considered secession from the Union. In fact, language-minority Americans -- Native Americans, Hispanics, Asian Americans -- are deeply patriotic. They have fought and died for the United States. Third, the current divisions within Canada have been actually exacerbated by the establishment of French as the official language of the provincial government of Quebec. Enactment of Bill 101 in 1977, establishing French as Quebec's official language, drove Anglophone residents and businesses

<sup>1</sup> Calvin Veltman, Ph.D., *Language Shift in the United States*, (Berlin: Mouton Publishers, 1983).

<sup>2</sup> See Sections 163 and 164 of HR 123 and Sections 162, 163, and 169 of HR 739.

from the province. Bill 101 also created a regulatory bureaucracy to police language use in public and private communications. Among the many duties of Quebec's language police include the measurement of commercial signage to ensure that French is always larger than English.

**Reason 7: English-Only gives government officials open license to regulate how Americans talk.**

In 219 years of American history, the federal government has neither had an official language nor involved itself in regulating how people talk. By inaugurating a new and an unprecedented role for the federal government, English-Only laws embolden government officials who have already twisted the law to prohibit the speaking of any language but English. In a Texas child custody case, a State Judge threatened to remove a child from custody of her mother because the mother had spoken Spanish to her daughter. The Judge equated the mother's use of Spanish with "child abuse." Indeed, federal regulation of language use is similar to federal regulation of religion. Just as the U.S. has never established an official, federal religion, in contrast to other nations, the U.S. would be ill-served by establishing an official, federal language.

**Reason 8: English-Only laws make government more expensive and less efficient.**

As the Ninth Circuit Court of Appeals noted in recently striking down the Arizona State English-Only mandate, the use of a language other than English can make it easier to serve taxpayers. In the Arizona case, a bilingual state employee found it easier, quicker, and less expensive to collect medical malpractice information from claimants who were more comfortable conversing in Spanish. The Arizona English-Only mandate outlawed government communication in Spanish or other languages. Federal English-Only laws would outlaw communication between Members of Congress and their constituents in any language but English and prohibit federal law enforcement agents from using languages other than English to English to gather information on a crime.

**Reason 9: English-Only disconnects millions of Americans from their government.**

For millions of American citizens and nationals on the island of Puerto Rico, Native American reservations, or U.S. territories in the Pacific, the right to communicate in a native language is protected by treaty or custom. It is counterproductive and dangerous to forbid elderly language-minority Americans, who have a difficult time learning English, or those in the process of learning English from communicating with their government. English-Only laws would also forbid official use of American Sign Language (ASL), preventing government communication with the hard of hearing.

**Reason 10: America should be thinking how to learning more, not fewer, languages.**

Four of five jobs in the U.S. are created through exports, and the majority of exports jobs are service-related. To succeed, American business must follow the credo of a sage Japanese salesman. When asked if English was the most important language to know in international business, he replied: "Not necessarily. The most important language to know is the language of the customer." In this regard, the 32 million Americans who speak languages in addition to English are at a competitive advantage.

A similar point with regard in tourism to the U.S. was made by Congressman Toby Roth, Chair of the Congressional Travel and Tourism Caucus, in an article in the October 30, 1995, *Roll Call* newspaper:

In today's changing world of high technology and increasing mobility, tourism is an economic sleeping giant. Futurist John Naisbitt writes: 'The more exposure we have to other cultures, languages, and landscapes, the stronger our desire to experience them firsthand. These days everyone wants to reach out and touch someone; we are increasingly likely to do so by airplane as much as by telephone.' Naisbitt is right. In 1995, travelers in the United States will spend an estimated \$535 billion. They will support 14 million jobs and \$493 billion in wages and salaries. The revenue generated by travel and tourism will total \$127 billion in federal, state, and local taxes.<sup>3</sup>

Ironically, English-Only legislation, including the measure sponsored by Congressman Roth, would outlaw signs at government owned tourist attractions that include languages of international tourists, customs brochures printed in languages of international tourists, or government provided tourist information in languages of international tourists.

Thank you and I would be happy to answer any questions the Subcommittee may have.

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<sup>3</sup> Rep. Toby Roth, "An Economic Sleeping Giant," *Roll Call Policy Briefing on Travel and Tourism*, October 30, 1995, page 3.

**Testimony Opposing Legislation to Make English the**

**Official Language**

**Prepared by the**

**National Council for Languages and International Studies**

**March 1996**

The National Council for Languages and International Studies (NCLIS) consists of fifty-six organizations concerned with languages, including English, the classics and the less-commonly taught languages, and all aspects of language acquisition and usage including research, business education and national security. NCLIS opposes any legislation making English the official language of government or creating an official national language. The primacy of English in this country is not threatened and does not require any legislative action to ensure its place in American society and government. For over 200 years, English has been the common language of the United States. According to the U.S. Census, over 96 percent of U.S. residents speak English "well". By implication, this legislation discourages and deprecates competence in languages other than English. Consequently, it may actually reduce the nation's ability to communicate effectively in foreign relations and international business.

English as the official language legislation is unwarranted. There is already consensus that competency in English is vital to all facets of life in the United States. Newly arrived immigrants, like those of preceding generations, recognize the value of English and seek to learn it as the means to increase their social, economic, and

political opportunities in this country. They are learning English in order to assimilate into American society as quickly as possible. In Washington, D.C., an estimated 5,000 immigrants were turned away from English as a Second Language (ESL) classes last year. In New York, schools now conduct a lottery system to determine enrollment in ESL classes. In Los Angeles, forty to fifty thousand immigrants are on waiting lists for such classes. The demand for English as a Second Language has become so great that some schools operate 24 hours a day to accommodate interested students. Despite 8.7% of all U.S. residents being foreign born, the language assimilation rate of aliens in this country is a remarkable 42.5% per year. Legislation proclaiming English as the official language cannot speed the assimilation process and may discourage immigrants from retaining competency in their first language which would be counterproductive to the needs of this country.

Most Americans recognize the central role of the U.S. in world political affairs and understand the business opportunities present in trade agreements such as GATT, NAFTA, and APEC. In this environment, bilingual and/or multilingual skills are a distinct advantage rather than the liability, or "danger", that some proponents of Official English contend. The European Union recognizes the importance of numerous languages and is moving to address their needs in the workplace. In the United States, English speaking parents and students are increasingly asking for immersion programs in languages other than English, beginning at a very early age. Students emerging from these programs are able to read, write, speak, and comprehend what they hear in both English and a second language. The U.S. government and private businesses alike benefit from the linguistic skills of these students. Likewise, immigrants who maintain

their first language in addition to learning English also bring valuable skills to the workplace. If Congress encourages immigrants to learn English at the expense of their first languages through enactment of Official English legislation, the nation will never be able to take full advantage of our human resources.

Even so, there are those who envision a future of linguistic strife and ethnic division in this country if Congress does not make English the official language. Canada is frequently cited as an example of a country in which this is the case. Professor Kenji Hakuta of Stanford University has noted in previous testimony that :

"even in countries where language is a politically explosive problem, such as in Canada or in Belgium, bilingualism has never been shown to be the cause of such problems. The language divisions exist and persist because of deeper societal splits, and if the conflicts were not over language, some other distinguishing characteristic of the groups would be used as the symbol of conflict.... there are many examples of societies, including Switzerland, where official trilingualism causes no particular political problem. The point is that in countries where bilingualism is a political issue, it is more a symptom than a cause of the problems" (1987).

The democratic ideals and principles upon which this country is founded and continues to operate are far more powerful factors in creating unity than language. Consequently, suggesting that the English language is the primary unifying factor in America is an error.

The notion that non-English languages threaten American unity is highly offensive to those American citizens whose first language is not English such as Native Americans, Puerto Ricans, Native Hawaiians, those from the territories including Guam and American Samoa, Native Alaskans, and many others, all of whom have served this country in numerous ways and continue to contribute to the well-being of our nation.

Senator Ben Nighthorse Campbell has observed quite accurately that: "Official English sends out a message. And no matter how long and hard the proponents claim that the message is unintended, there's no question about how it will be read -- as a slap in the face to millions of Americans. This nation does not need more ammunition for divisiveness and the increased probability of discrimination. This nation needs to reaffirm the plurality and tolerance the framers of our Constitution had intended."

While proponents of English as the official language legislation seek to unify American society, the remedy they suggest would create a legally imposed cultural orthodoxy rather than a free and democratic society. In fact, Official English legislation poses a threat to the constitutionally protected civil and human rights of millions of citizens whose proficiency in English is limited. This legislation would give employers and others cause to discriminate against those very citizens who need protection the most because they have not yet become proficient in English. A declaration of English as the official language will do exactly the opposite of what its sponsors claim they intend -- instead of integration and assimilation, it will promote frustration, segregation, and discrimination between those who have mastered the English language, and those who have yet to do so. Immigrant workers subjected to discrimination, sexual harassment, unfair labor practices or unsafe working conditions would be unable to report and assist in enforcement of the law. Denying language minority litigants access to court appointed interpreters in both civil and criminal trials would deny them due process of the law, a Constitutionally guaranteed right.

The National Council for Languages and International Studies believes that an "English Plus" policy would better serve the nation. In addition to acknowledging the

primacy of English in this country and encouraging all residents to become fully proficient in English, "English Plus" encourages all residents to learn or maintain skills in a language other than English as well. Citizens with competence in English *plus* proficiency in a second language are better able to serve American interests in a variety of situations from business and commerce to law enforcement, health care, social services and national security. "English Plus" would not recognize any "official" language thus promoting a respect for the diversity of languages and cultures from which American society draws such strength.

In contrast, English as the official language legislation is divisive. It suggests the need to force homogeneity and conformity in our society. It undervalues our immigrant-nation tradition and disregards the realities of the current population in the United States, a nation that includes many non-native English speakers. Because this is unnecessary legislation and potentially harmful to American interests both domestic and foreign, NCLIS respectfully urges the committee to reject any English as the official language legislation.

Attached, as Appendix A, is a statement from one of NCLIS' member associations - the Linguistic Society of America. LSA's statement on language rights reflects the considered and expert views of those scholars and social scientists who best know and understand the role of language in society. We concur in and commend to this committee their conclusions.



# NATIONAL GAY AND LESBIAN TASK FORCE

**March 7, 1996**

The Honorable William Roth  
Chairman  
Senate Governmental Affairs Committee  
340 Senate Dirksen Office Building  
Washington, D.C. 20510

Dear Mr. Chairman:

The National Gay and Lesbian Task Force (NGLTF), the oldest, national gay and lesbian civil rights organization, joins with other civil rights organizations in urging your opposition to S 356, legislation seeking to make English the official language of the U.S. Government. We also respectfully ask that this letter be made a part of the record for today's hearing.

English already is overwhelmingly the dominant language in the United States. According to the 1990 U.S. Census, over 95% of U.S. residents speak English "well" or "very well." S 356 seems to be addressing a problem that does not even exist. Rather than promoting a common bond, S 356 will promote divisiveness.

Since the bill itself does nothing to further the learning of English by that small portion of the population which does not speak English well enough to conduct day-to-day business in English, its impact will instead be to promote discrimination against and isolationism by those individuals. This legislation plays into the fear and hatred that already exists against immigrants in this country, by putting an official government stamp of approval on actions of those who belittle or resent individuals just because they speak another language.

The bill claims that it is intended "to help immigrants better assimilate and take full advantage of economic and occupational opportunities" in this country. If, however, this Act becomes law it will instead disenfranchise individuals who are not fluent in English by prohibiting the availability of bilingual ballots, it calls into question the future of the Bilingual Education Act and deprives language minority litigants of due process rights by denying them the right to have court interpreters for judicial proceedings.

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Furthermore, this legislation would prohibit, or put into question, the availability of health services, including emergency services, in languages other than English. This will clearly intimidate many families and individuals from seeking assistance, even in emergency situations.

While in theory this bill seems to carve out some exceptions where its requirement to only use English will not apply, the exceptions relating to public health and the criminal justice system are so vague that even if agencies wanted to use a language other than English to provide assistance and believed they could do so under the Act, such individuals or agencies are likely to be intimidated by the mere existence of the Act. Also, since any individual who is offended by the official use of another language has standing to sue under this Act, it is likely that there will be hundreds of frivolous suits by people who may interpret vague provisions in this bill to suit their own prejudices.

As an organization that seeks to protect and promote the civil rights of lesbians, gay men, bisexuals and transgendered individuals, we know first-hand the impact of legislation, which intentionally or unintentionally, feeds the fear and hostility that individuals may have against one segment of the community. When times are tough, it is especially easy to blame those who are different from us - because of their language, the color of their skin, or their sexual orientation - for any and all of society's problems.

S 356 is at best unneeded and at worst will contribute to the campaigns of fear and divisiveness which some seem to be engaged in during this political season. We strongly urge you to oppose S 356 or other similar legislation.

Sincerely,

*Melinda Paras*

Melinda Paras  
Executive Director

*Helen Gonzales*

Helen Gonzales  
Public Policy Director



NATIONAL INDIAN EDUCATION ASSOCIATION

121 ORONOCO STREET  
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**STATEMENT OF THE NATIONAL INDIAN EDUCATION ASSOCIATION  
SUBMITTED TO  
THE SENATE GOVERNMENTAL AFFAIRS COMMITTEE  
ON S. 356, THE LANGUAGE OF GOVERNMENT ACT**

**March 11, 1996**

The National Indian Education Association (NIEA), the oldest national organization representing the education concerns of over 3,000 American Indians and Alaska Natives, is pleased to submit this statement on S. 356, the Language of Government Act. This bill seeks to amend title 4 of the U.S. Code to declare English as the official language of the government of the United States.

NIEA joins with the National Congress of American Indians (NCAI) and American Indian tribes, including the Navajo Nation, and Alaska Native villages in opposing S. 356. Although NIEA does not oppose using the English language, it opposes this bill and any "English-only" measure being considered by the 104th Congress which would ostensibly repeal the Native American Languages Act (NALA) of 1992 (P.L. 102-524), and rejects any efforts to advance the use of English by suppressing Native languages of the United States and to end federal bilingual education programs.

NIEA's position was initially conveyed to the Senate on December 4, 1995, and was made part of the October 12, 1995, Hearing Record of the Early Child, Youth and Families Subcommittee of the House Economic and Educational Opportunities Committee. Subsequently, this position was formally adopted by NIEA as Resolution 95-05, attached herewith, during its annual membership meeting in Tucson, Arizona in November, 1995.

In a 1969 study on the Bureau of Indian Affairs (BIA) undertaken for the White House, Alvin M. Josephy, Jr., a well-known and respected authority on American Indian history, analyzed the federal government's management of the BIA and its programs. He pointed out that Indian viewpoints were often either not understood by non-Indians or were completely disregarded by them. "[T]he non-Indian," Mr. Josephy stated in his report, "either does not understand, or forgets, certain basic truths about Indians that must never be forgotten...." These truths, to paraphrase Mr. Josephy, are:

- We, American Indian and Alaska Native people, have been here for thousands of years.
- This place – America – is our homeland.
- We evolved our own distinctive cultures, and did not share the points of view, attitudes, and thinking that came to the rest of the American population from Judeo-Christian, and Western Civilization legacies.
- Although we were conquered militarily (and we are the only portion of the American population that reflects that experience), we are confirming the lesson of history, namely, that no people has ever been coerced by another people into scuttling its own culture.
- Although acculturation and assimilation do occur, they occur only on the individual's own terms.

Although Mr. Josephy did not say so, we nevertheless assert that the driving force behind a civilization's culture is its language, and that no culture can be completely understood, or survive over millenia, if the language supporting it dies out.

After Congress ended the Treaty Period in 1871, the Allotment Period commenced with the Dawes Act of 1887. This destructive law, while benefitting the United States, led directly to the break-up of hundreds, if not thousands, of Indian families. The Dawes Act was used by the federal government to finance the creation of the BIA's boarding school system. And it was this system, populated by Indian children forcibly taken by the federal

government from their homes and families, that carried out the United States policy of assimiliating Indians into American society.

In 1969, the Senate Committee on Labor and Public Welfare issued its report entitled "Indian Education: A National Tragedy--A National Challenge." This important work described the boarding school system as "designed to dissolve the Indian social structure...to separate a child from his reservation and family, strip him of his tribal lore and mores, force the complete abandonment of his native language (emphasis added), and prepare him for never again returning to his people." As recently as 1996, American Indian and Alaska Native people can still remember the forced acculturation and assimilation they, their parents, or grandparents had to endure. Not only are we still trying to recuperate from this period of suppression and punishment, we are trying at the same time to breathe life back into our languages.

NIEA has long held to the principal that the federal government has a responsibility to Native people to assist them in their quest for self-sufficiency and self-governance. But the ability to govern one's self cannot be separated from the ability to speak one's language. How can we, as Indian people, ever forget that for decades the federal government, through its policies and executive action, deliberately and punitively worked to force American Indian and Alaska Native people to stop speaking their own languages and to use only English.

There have been times, however, when the federal government found Native languages useful for its own purposes. For example, the American military's use of Navajo and other tribal languages during World War II to successfully transmit highly sensitive information past the Japanese forces, who were unable to break such a "code." We find it ironic that the United States Government is grateful to American Indian men for using their Native languages in defending America and its citizens, yet today, these men, their children, and their grandchildren, along with other Native Americans would be considered 'un-American' and to be 'dividing America' by using their languages in their own home country: the United States of America. "English-only" policies of the past have not worked and current efforts which threaten preservation of our Native American languages must be defeated.

NIEA strongly opposes any efforts to repeal NALA (as S. 356 would do) which was passed by Congress to combat the dramatic decline, documented in Congressional testimony, in the number of living Native American languages – languages which predate Columbus' arrival and the beginning of the United States. While an estimated 206 indigenous languages still survive in the United States, a majority of these are in extremely poor health, spoken by dwindling groups of elders. Congress recognized the critical need to pass legislation to ensure the survival and continued vitality of these precious and ancient tongues. (The Act established a grant program for this purpose within the Administration for Native Americans [ANA], an agency of the U.S. Department of Health and Human Services [HHS] ).

At a 1991 hearing on the Native American Languages Act held by the Senate Select Committee on Indian Affairs, Mr. Michael Krauss, testifying on behalf of the Linguistic Society of America, stated that "[A]t today's [1991] rate of language shift, 45 of today's American Indian and Alaska Native languages are likely to be extinct by the year 2000; 105 by 2025; 135 by 2050. Many of the 20 remaining tongues, while still viable, will soon be fighting to survive".

Then as now, NIEA was alarmed by these statistics and about the substantial lack of Native people who cannot speak their traditional languages. As Mr. Krauss told the Select Committee, "Increasingly, young Native Americans grow up speaking only English, learning at best a few words of their ancestral tongues." We view this trend as a direct threat to the viability of Native cultures and religions. As groups, we have lost, or are in the process of losing, our languages. As individuals, our children are shifting, or have shifted, to English. And their children's children are growing up monolingual in English. This is the legacy of the federal government's "English-only" policy American Indian and Alaska Native people have been living with for decades.

As a consequence, our concern is no longer only with enabling our children to learn English, but enabling them to acquire, and develop in, both their Native languages and English. The preservation and maintenance of our

cultures and religions, which depend totally on Native languages in order to thrive, is inherent and vital to all aspects of Native American life.

The Senate Committee on Labor and Public Welfare's report stated that in 1969 there were 300 separate languages still being spoken by American Indians and Alaska Natives (Summary, p. XII). In 1996, we have found only 206 languages still living. Almost a quarter of a century later, fully one-third of the indigenous languages documented in 1969 have disappeared. It is at this crucial point, where the rate at which languages are lost may rapidly accelerate, that we do not want to see Mr. Krauss's predictions become reality.

The languages indigenous to this continent are spoken nowhere else in the world. Languages such as English, Spanish, and Japanese are spoken by millions -- if not billions -- of people around the globe. But the languages of American Indians and Alaska Natives, whose speakers range from one or two individuals to, in the case of Navajo, a few thousand, are found only in America. In fact, for over two hundred years American Indian and Alaska Native words, which have no counterparts in the English language, have been incorporated into the American vocabulary. This nation cannot afford to allow indigenous languages, which are among its national treasures, to be lost forever.

NIEA has called on Congress many times to provide funding for the preservation and enhancement of Native languages. Our association was part of the original coalition of tribal groups which worked for passage of NALA. Although the Act was passed with an initial authorization of \$2 million, the full amount has never been appropriated. Instead, funds have taken out of badly-needed tribal economic development grants provided by ANA. We believe there is still a need for Congress to fund the NALA at its full authorization level and without taking funds from other under-funded Indian programs.

In conclusion, NIEA opposes any "English-only" measure which would suppress this country's Native languages and rejects any efforts to advance English at the cost of losing American Indian and Alaska Native languages still in existence. Furthermore, we oppose any efforts to effectively end

federal bilingual education programs. NIEA strongly believes that it is vital for the Native American Languages Act to remain intact and calls for sufficient funding to ensure that tribes have the resources to implement their own language preservation and enhancement projects.

Thank you for allowing us to present our views and concerns on S. 356 to the committee.



## NATIONAL INDIAN EDUCATION ASSOCIATION

Resolution: 95-05

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ALEXANDRIA, VA 22314  
PH. (703) 638-2870  
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**TITLE:** Opposing "English-only" Legislation

**WHEREAS:** The United States government has a unique relationship with Native American governments who have an interest in preserving and enhancing their languages to ensure the survival and continued vitality of their precious and ancient tongues; and

**WHEREAS:** The United States Congress has introduced legislation declaring English as the official language of the Government of the United States; and

**WHEREAS:** The United States House of Representatives has introduced House bills H.R. 123, H.R. 345, H.R. 739, and H.R. 1005, and the United States Senate has introduced bills S. 175 and S. 356 wherein it is declared that English shall be the official language of the government of the United States, and

**WHEREAS:** Native American languages has been used by the United States government in defending America and its citizens, and

**WHEREAS:** Studies indicate that the more than half of indigenous languages of the United States are considered "endangered" and many have only a handful of speakers at the end of this century.

NOW THEREFORE BE IT RESOLVED THAT THE NATIONAL INDIAN EDUCATION ASSOCIATION opposes the passage of legislation to amend the United States Code to declare English as the official language of the government of the United States, as well as efforts which would effectively end bilingual education programs in this country.

BE IT FURTHER RESOLVED THAT THE NATIONAL INDIAN EDUCATION ASSOCIATION also strongly opposes any effort to repeal the Native American Language Acts of 1991 and 1992 which were enacted to combat the dramatic decline in the number of living Native American languages -- languages which predate Columbus' arrival and the beginning of the United States.

AND BE IT FINALLY RESOLVED THAT THE NATIONAL INDIAN EDUCATION ASSOCIATION will continue to actively support the maintenance, promotion, preservation, study, teaching, artistic use and survival of the Native languages of the United States and to oppose legislation which works to prevent or hinder the maintenance, promotion, preservation, study, teaching, artistic use and survival of the Native languages of the United States.

SUBMITTED BY: Lucille Watahomigie

### CERTIFICATION

I hereby certify that the foregoing resolution was duly considered and passed by the NIEA membership assembled at its annual convention in Tucson, Arizona, at which a quorum was present during the meeting held November 11-15, 1995.

The signature is handwritten in black ink and appears to read "Lorena Zah Bahe".  
Lorena Zah Bahe, 1994-1995 President,  
National Indian Education Association

RICHARD SHELBY  
ALABAMA

COMMITTEE ON APPROPRIATIONS  
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March 6, 1996

The Honorable Ted Stevens  
Chairman, Governmental Affairs  
340 Dirksen Senate Office Building  
Washington, DC 20510  
*Chairman*

Dear Mr. Stevens.

I want to thank you for your ongoing support of S. 356, the Language of Government Act. The first hearing on the bill was a great success with many expert witnesses presenting strong testimony in support of the proposal. I also appreciate you granting me the privilege of being an "ex officio" member of the committee.

The Language of Government Act has been a priority of mine for many years. A rational, coherent language policy would provide many benefits for Americans, including new arrivals. The benefits seem so obvious to me, I have a hard time understanding the objections a few select individuals have with the proposal.

As a result, I am submitting a list of questions for your second hearing on The Language of Government Act on Thursday, March 7. I am requesting that you enter these questions into the record and ask the witnesses to respond in writing. I believe these questions, and the opponent's answers, are insightful and will provide us with some useful information when proceeding with the bill.

Thanks again for your continued support. If I can be of assistance or answer any questions, please call me at anytime.

Sincerely,

*Richard*

Richard Shelby

RCS/lwp

P.T. - Thanks for all of  
your help —

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Questions for Hearing on the Language of Government Act  
March 7, 1996

1. Are you opposed to setting any parameters on government functions in multiple languages? Would you have a wide-open policy, which would allow the government to function in every language spoken in the United States?
2. If not all functions, then which do you consider essential for non-English speaking citizens? Are any essential functions no already exempted in the limitations section of S. 356?
3. Would you set any limits on the number of languages that taxpayers should support?
4. If we do not provide services to every ethno-linguistic minority, then what grounds would you use to justify the resultant discrimination? Are minority-language rights determined by numbers?
5. If, in the absence of a coherent language policy, government bureaucracies are allowed to evolve into multi-language service providers, how can we insure that linguistic segregation will not become institutionalized?
6. If you believe that a language policy is not needed now, what circumstances would lead you to decide that one would be needed? Why would we justify delaying the crafting of a language policy until a crisis develops?
7. If providing functions in multiple languages is merely a bridge until citizens learn English, what legal mechanism can we create to insure that these government offices do not become permanently institutionalized bureaucracies?
8. How much will it cost to print every government document in other languages? If you are not advocating printing every document in other languages, how do we define which ones?
9. What kind of message is being sent to new citizens who can get a variety of services in their languages while they cannot get into English classes?
10. What agenda do you have that would be negatively impacted by this particular legislation as it is presently written?
11. In those states that have passed official language statute, have other languages been eliminated? Have those laws ended influences from other cultures and language groups? Why do you believe S. 356 would be any different (for the nation)?

12. If we spend tax money to provide pamphlets, documents, brochures, applications, and services in multiple languages, how do we justify the expenditures to those areas in desperate need of health care, unemployment services, emergency farm aid, nutrition help, and other critical needs?
13. As expenditures grow, where will the tax dollars come from to pay for more functions in multiple languages? How would you propose setting a limit on ultimate costs?
14. If government entities develop any and every function in every languages, aren't we institutionalizing some increment of a disincentive to the learning of English?
15. Are there any languages spoken in this country -- other than English -- that cross all racial, ethnic, and religious lines? Other than English, are there any languages that do not have a specific tie to one cultural or nationality group?
16. Do all minority language groups share just one single view of language of government policies, or is there some diversity of opinion? [Survey data reveals that a majority of all language minorities support official English legislation].
17. Several border-states now have organized committees that are looking into conducting a referendum similar to that which was recently conducted in California, and which resulted in Prop. 187. Wouldn't this nation be better served by a fair, rational, coherent language policy such as the one proposed in S. 356?
18. Survey data tells us that 80 percent of the population supports making English the official language of government. Undoubtedly, this is an issue in which people feel very strongly and this is an issue that will not go away. Why should Congress abandon this issue at this time, only to have to deal with it later?

Chairman Ted Stevens  
 Senate Governmental Affairs Committee  
 U.S. Senate  
 Washington D C

Dear Sir

I and most of my family are of Native American Indian ancestry and Alaska Native ancestry - Mostly Cree, Chippewa and Inuit. Today very few of us speak our native tongue. I believe it is a sad loss - and unnecessary. We all speak English - but why should it have to be only English - why give up a valuable cultural heritage - only to save a few dollars -

I believe the estimates of savings from the language exclusivity issue always are over estimated. And I believe we can afford to keep our languages alive. I oppose S. 356 and so does my tribe.

Respectfully Stan C Strom  
 Little Shell Chippewa  
 P.O. BOX 9883  
 Helena MT 59620



THE NAVAJO AREA SCHOOL BOARD ASSOCIATION

**NASBA**

P. O. BOX 3719

WINDOW ROCK (NAVAJO NATION) ARIZONA 88515

## EXECUTIVE BOARD OFFICERS

Young Jeff Tom, President

EUGENE GUERITO, Vice-President

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**Statement of the  
Navajo Area School Board Association**

**S.356 Language of Government Act of 1995**

Senate Governmental Affairs Committee  
March 7, 1996

The Navajo Area School Board Association (NASBA) appreciates the opportunity to express concerns to the Senate Governmental Affairs Committee on S.356, The Language of Government Act of 1995.

NASBA was established in 1969 by the Navajo Nation Council to strengthen the control of local Navajo school operations of Bureau of Indian Affairs (BIA)-funded schools located on the Navajo Nation. The tribally-sanctioned Association represents 51 local community school boards that serve forty-five primary and elementary schools, two high schools, and four peripheral dormitories. NASBA represents at least 38 percent of the total number of Indian students in the BIA-funded system, at least one third of the BIA-funded schools, about 55 percent of all federal school facilities and employs over 3,500 federal personnel.

NASBA views the education of our children, in both Navajo and English, an important aspect in the academic achievement and preparation for the many challenges ahead. The Navajo language, our first language, is important and an essential element of our life, culture and identity. Our language must be preserved. Accordingly, the Navajo Nation's education policies fosters the competency in English language skills and knowledge of American culture and the competency in Navajo language skills and knowledge of Navajo culture. The Navajo policies provides that "instruction in the Navajo language shall be made available at all grade levels in schools serving the Navajo Nation. Navajo language instruction shall include to the greatest extent practicable: thinking,

speaking, comprehension, reading and writing skills and study of the formal grammar of the language." Navajo Nation's policies further require the inclusion of courses that develop knowledge, understanding and respect for Navajo culture, history, civics and social studies in the curriculum of every school serving the Navajo Nation." In this respect, NASBA is currently developing initiatives to improve the education of Navajo children. In doing so, NASBA plans to assume a greater control of the Bureau of Indian Affairs-operated schools (schools funded by federal dollars), in conformance to the Navajo Nation's education policies.

NASBA in an effort to provide quality education, both in Navajo and English, views S.356 as a real threat to the use and preservation of our native language. NASBA believes that the designation of one language as the official language of government is NOT necessary and finds no compelling reasons in the threat against the use of English. Following are some specific views:

Section 2(a) in general: S.356 acknowledges that English has historically been the common language. English is already acknowledged and accepted through its wide use in government and other places in the United States. NASBA sees no threat to the use of English in any circumstance. The real threat is the potential extermination and hindrance in the use of Native languages through the notion of the need to assimilate all cultures. NASBA believes that English as the official language of government proposals actually divides the nation and its people. The designation of one language as the official language of government sends a message that other languages are inferior. NASBA believes the real bonding of people in the United States is freedom – the right to life, liberty and pursuit of happiness, as envisioned by the founders of this country's constitution. This includes the right to freedom of speech, to practice our religion, and yes, the right to speak and preserve our language. The real bonding of the diversity of people in this country is the respect of one another's culture, tradition and language that makes this country a great country.

Section 2(a)(8) declares that the use of a single common language in government will promote efficiency and fairness to all people. NASBA views that this provision would be unfair to the many Navajo local school board members, particularly the limited English-speaking elders, in their interaction with the BIA-operated schools officials.

Section 2(b)(3) could effectively repeal the Native American Languages Act, the Bilingual Education Act as well as other federal statutes and programs that promote the use and preservation of our native language.

Section 162: NASBA lauds the proposal's goal to encourage greater opportunities for individuals to learn English, an incentive to provide additional resources to learn English. However, we have the right to preserve our language. Our language is who we are and who we will continue to be. Despite the differences in our lifestyles, the way we worship, and our preferences, our language will always make us Navajos. The Navajo language is a living language which enables us to perceive, understand, think, feel, speak and interact as Navajos. Without the ability to speak and understand our Navajo language, we cannot fully participate in the Navajo way-of-life. The opportunity to acquire the ability to understand, speak, read, write, think, feel, sing, pray, in Navajo is the birthright of every Navajo child. This right should NOT be thwarted by S.356.

Section 163: Section 163(c) establishes a dangerous "designation" to communicate, receive information from, contribute information to, and be informed of or be subject to official orders, only in English with the government. Many Navajos communicate better in the Navajo language than English and this section would deny them their right to express their views to federally employed school officials.

In the late 1800s, the Navajo people were forced to lay down their arms and were held in captivity for over four years. When Chief Manuelito and other Navajo leaders signed the Treaty of 1868 with the United States government, the Navajo leaders recognized the importance of western education and embraced its philosophy as a new beginning for the Navajo people. The Navajo people already recognize that English is the language of the land, but Navajo is our first language. We do recognize that in order to succeed in life and attain a good quality of life in America, the ability to speak and write English is important. The Navajo people also recognize that Navajo culture and language is equally important and must be preserved. Important programs including bilingual education, Navajo language instruction and adult education help us retain our language and to learn English.

In conclusion, NASBA believes that the proposal to designate one language as the official language is fundamentally unjust. NASBA does not oppose the use of English. NASBA recognizes English as the common language and sees no extermination or threat in the use of English, therefore, sees no need to enact legislation to designate English as the official language of government which would only further divide the unique diverse people of this country. Unless credible evidence is provided that English is threatened, the indigenous people's rights are not violated, and strong assurance that native languages would not be menaced, NASBA strongly opposes S.356 and urges our Senators to oppose such legislation.



## TEACHERS OF ENGLISH TO SPEAKERS OF OTHER LANGUAGES, INC.

TESOL is an international professional organization whose mission is to strengthen the effective teaching and learning of English around the world while respecting individuals' language rights.

1600 Cameron Street, Suite 300 • Alexandria, Virginia 22314-2751 USA • Telephone 703-836-0774 • Fax 703-836-7864 • E-mail tesol@tesol.edu

March 1, 1996

Dear Senator:

Teachers of English to Speakers of Other Languages (TESOL) is an international organization of 18,000 members, 12,000 of whom are U.S. citizens. The purpose of our professional lives and the TESOL organization is to further the teaching of the English language not only in the United States but throughout the world. As we strive to teach English to all who want to learn, we are very concerned that S. 356 and other "official English" bills pending in the House of Representatives and the Senate may make our goals less achievable.

The advocates of official English contend that such legislation would help language minorities succeed in American society. Unfortunately, the consequences of official English would be quite the opposite. Although official English legislation is touted as helping immigrants learn English, nowhere in the legislation is the Federal Government required to support the learning of English. Advocates claim that private agencies can do the job. The reality is that today those agencies, even with the help of federal programs, are unable to meet the needs of even a small percentage of new immigrants. In major metropolitan areas such as Los Angeles, classes are offered 24 hours a day and still the need outstrips the resources. Were these agencies to become the sole source of English language instruction for adults, they would fall woefully short of meeting the need that already exists for instruction.

For English language instruction to work, it should be carried out by professional instructors. Private agencies rely heavily on volunteer teachers, who have good intentions and are generous with their time, but who have little or no training. Many immigrants have minimal or non-existent native language literacy. Teaching them requires professional knowledge and skills.

Today's work place requires high level literacy skills. No longer is the ability to sign one's name and read at the elementary level evidence of literacy. One must be able to read and use written information. For immigrants, learning English is an absolute necessity and they are keenly aware of it. Other countries have virtually eliminated illiteracy. The United States has only made minimal efforts to address the problem. The problem of English speaking U.S. citizens who cannot read and write is perhaps more severe than the lack of English speaking by immigrants. Far more would be gained if the government undertook a serious effort to teach English reading and writing skills to all who are illiterate in the language, than will ever be accomplished by enacting the exclusionist policy of official English.

Official English will not wean immigrants from their dependence on their native languages or help American citizens for whom English is a second language; rather it will isolate them and make them unable to contribute to this society. They will be forced to withdraw from educational and work opportunities and will become burdens on society, rather than functioning contributors to the work force. Having a monolingual-English Government does not insure that immigrants and American citizens with limited English ability will have the opportunity to learn English. It will only ensure that they will not be able to participate in this society.

American citizens, as well as immigrants, should be free to choose their language, much as they are free to choose their religion. Teachers should be free to teach English in the manner they see fit, whether by using English only or through bilingual approaches. Official English is an attack on both of these freedoms. One need only look to the State of Florida, an official English State, to see the real impact of such agendas. Individuals, including U.S. citizens, attempting to use Spanish in stores and other public places have been humiliated and denied services. The prohibitions against federal funds being used for any foreign language materials would in essence eliminate bilingual education, a recognized pedagogical tool in teaching English.

The official English movement is deceptive. Experience tells us that its seemingly lofty goals of creating a "better life" for immigrants and limited English speaking citizens result in discrimination and exclusion. Language minorities become disempowered and further marginalized. Immigrants today become functioning, hard working Americans at a faster rate than ever before. Official English is a thinly veiled attempt to stop these success stories that benefit the entire society. As immigrants are assimilated, with or without English speaking ability, everyone benefits, except those who are fearful of the competition and ambition of a new and emerging class of Americans.

The United States has always opened its doors to legal immigrants and has always shown tolerance for personal religious beliefs and language heritage. In return that diversity has made us the strongest and most resilient country in the world. TESOL urges all Members of Congress to stand up for the diversity that has always been the strength of this nation and to vote against exclusionist policies that will cripple the abilities of individuals to succeed and will weaken the mosaic fabric that is this country.

Sincerely,

*Susan C. Bayley*  
Susan C. Bayley  
Executive Director

## PREPARED STATEMENT OF DR. G. RICHARD TUCKER

I am pleased to have the opportunity to provide this written testimony related to S. 356, the Official Language of Government Act, on behalf of Teachers of English to Speakers of Other Languages, Inc. (TESOL), an international professional association with over 18,000 members, approximately 13,000 of whom reside and work in the United States. TESOL is an association of teachers, teachers-in-training, language researchers, administrators, and others interested in second language acquisition and training.

I approach this topic as a specialist who has had considerable experience over the past three decades conducting research and teaching in the area of language education policy and planning here in the United States and abroad. I have published more than 160 books, articles, and reviews on diverse aspects of language learning and language teaching in both monolingual and bilingual settings. I have directed or co-directed numerous large-scale research projects including the 12-year longitudinal evaluation of the effectiveness of foreign language immersion programs in Quebec, and I have been involved in implementing national language surveys in a number of developing countries (e.g., Jordan, the Philippines, the Sudan). I have also served for 4 years (1992-1996) on the English Language Programs Advisory Panel for the United States Information Agency, most recently as the Panels Chair.

In the remarks that follow, I wish first to make three general observations which I will follow by raising and discussing briefly four specific questions. I then offer a concluding policy recommendation. The general observations follow:

*Normative Bilingualism as Policy and Practice Internationally.* The vast majority of the world's people are bilingual. A majority of nations actively encourage the development and maintenance of bilingual or multilingual competence through their educational policies and programs. Furthermore, a careful reading of the available research literature reveals that the following common threads cut across all successful programs when the goal is to provide students with multiple language proficiency and with access to academic content material (even though there are a range of models available for implementation):

- Development of the mother tongue is critical for cognitive development, and as a basis for learning the second language;
- Parental and community support and involvement are essential to all successful programs;
- Teachers must be able to understand, speak, and use the language of instruction whether it is their first or second language, and they must be well trained;
- Recurrent costs for innovative programs are about the same as they are for "traditional" programs (although there may be additional one-time start-up costs); and
- Cost-benefit calculations can typically be estimated in terms of the cost of savings to the education system, improvements in years of schooling, and enhanced earning potential for students with multiple language proficiency.

The available research indicates clearly that the development of multiple language proficiency is possible, and indeed that it is viewed as desirable by educators, policy makers, and parents in many of the countries of the world (see, for example, G. R. Tucker, "Learning other languages: The challenges and the benefits of promoting bilingualism." Paper presented at summer institute sponsored by the Illinois Resource Center, August 1995).

*Pervasive Monolingualism as Policy and Practice Domestically.* Although the United States is home to numerous immigrant languages, many of which predate the arrival of English, as a Nation we have become increasingly insular over the last century with respect to our lack of encouragement for linguistic and cultural diversity. As a Nation, we remain remarkably uninterested in developing second language proficiency or even in acquiring basic information about other peoples and their values, attitudes, and traditions.

If present educational practices continue, so-called language minority individuals will not be encouraged, nor will they even be assisted, to nurture or to maintain their native language skills as they add English to their repertoire. They will comprise a rapidly expanding pool of individuals that Wallace Lambert has characterized as "subtractive bilinguals."

With respect to English-speaking residents, by all accounts they are not achieving the level of success in foreign or second language programs that they need to compete effectively in the commercial world of the 21st Century. Although the absolute number of students enrolled in modern foreign languages at the post-secondary level has increased substantially from 1960 to 1990, enrollments in relative terms have actually fallen from 16.1 per 100 college students in 1960 to 8.5 per 100 in 1990.

Nor do American students, for the most part, study abroad. In a typical year, fewer than 3 percent of American post-secondary students study abroad. In 1994-95, there were approximately 452,000 international students studying in the United States, but there were only 76,302 American students studying abroad—and a large number of those were in Great Britain.

The picture is equally bleak at the elementary and secondary levels, where it is estimated that fewer than 5 percent and 38 percent respectively of public school students participate in any foreign language study whatsoever. Furthermore, a majority of the relatively small number of individuals who do have an opportunity for foreign language study achieve disappointingly low levels of proficiency in their chosen languages (for information related to foreign language enrollments and trends and international study see, for example, references such as R. Brod & B. Huber, 1992; "Foreign language enrollments in U.S. institutions of higher education." ADFL Bulletin, 1992, 23, 3, pp. 6-10; the *Chronicle of Higher Education*, 11/10/95, pp. A38-A43; and the Center for Applied Linguistics "National profile of languages in education: United States language policy. Washington, DC, 1996).

This is happening within a global context in which alliances such as those created through NAFTA and GATT, as well as ties with the Pacific Rim, and other multi-national linkages are increasing rapidly. These alliances, welcomed in so many parts of the world, provide potential opportunities for American workers—but to date these trade agreements have been riddled with pitfalls for us.

The majority of our negative experiences to date can be attributed to the glaring lack of expertise in languages other than English and lack of cross-cultural competence on the part of U.S. professionals. Fully two thirds of our gross domestic product is now accounted for by "services." By removing artificial trade barriers, treaties allow U.S. professionals to provide services freely in the signatory nations in exchange for access to U.S. markets by foreign professionals. Providers of services must be able to speak the target language with a high degree of fluency and have basic comprehension of the cultural assumptions and norms of the society in which they are operating. This has not proven problematic for foreign professionals wishing to enter the American marketplace. This requirement has virtually paralyzed our workers wishing to gain access to foreign markets (see, for example, R. Brecht & A. R. Walton. "Meeting the challenge of GATT: The impact of cross-cultural communications on the U.S. balance of trade." Washington, DC: NFLC Policy Issues. National Foreign Language Center, 1995).

*Need for a Facilitative rather than Restrictive Policy.* It is within this broad context sketched above that I see most sharply the need for bold and decisive national leadership. We need to formulate a set of policies and programs which encourages the preservation of all of our natural and national resources, of which languages are a prime example. Faced with a changing set of social and demographic conditions very similar to our own, policy makers in Australia have come to a very different set of conclusions from those which seem to motivate the authors of S. 356.

In a report recently prepared for the Council of Australian Governments (*Asian Language and Australia's Economic Future*) the authors note that "to conclude that Australians should remain monolingual is to condemn this nation to a back seat on the world economic stage." The existence of widespread and increasing linguistic and cultural diversity in the United States presents us with challenges, but it also offers us great opportunities.

Let me now raise and address briefly four specific questions which seem to underpin the current wave of English-Only bills that have been introduced in the U.S. Senate and House of Representatives.

*Is English "threatened" in the United States?* There are no data whatsoever of which I am aware to suggest that the vitality of English in the United States is threatened. Rather, comparative analyses of the 1980 and 1990 census data from current home speakers of non-English languages suggest that they are, in fact, learning English (see, for example, D. Waggoner, Are current home speakers of non-English languages learning English?" *NABE News*, December 15, 1995). And, indeed we continue to see throughout our country long waiting lists for access to English classes among adult non-English speakers. Furthermore, in surveys that have been conducted we find evidence that a higher proportion of non-English speaking parents are concerned that their children acquire useful proficiency in English than is the case among English-speaking parents.

The proposed legislation which seeks to restrict the use of languages other than English fails to provide provisions or to authorize funding for the expansion of English language teaching programs to help ameliorate the present situation. This is unconscionable at a time when the demand for access to English and the need for a citizenry with multiple language proficiencies is so great.

*What are the potential implications for work, safety, provisions of social and medical services, judicial hearings, etc. following implementation of an English-Only law?* The various bills before the Senate and House all contain language which to a greater or lesser extent seek to restrict the provision of information and services to individuals in languages other than English. It seems unthinkable that situations could arise in which deaf individuals would be deprived of the right to interpretation via American Sign Language, or that others at risk might not receive medical or social service counseling in Spanish or in Khmer, or that there might be no fire or safety warnings in languages other than English.

Such restrictions are not only unnecessarily punitive and discriminatory, but they would effectively deny services, facilities or assistance from individuals precisely at the time when they are seeking gainful employment and access to English-language training opportunities.

If implemented fully, certain provisions of some legislation would prohibit Department of State escort service providers from offering simultaneous interpretation to foreign dignitaries, and might even have prohibited President Clinton from delivering some of his prepared remarks in Hebrew on the occasion of the recent memorial service in Israel for Yitzak Rabin. It is impossible to fathom how the provision of such services or the delivery of such remarks could be counter to our national interest and well-being.

*What are the educational implications, particularly for language minority individuals, of English-Only legislation?* As I have noted above, the research literature is clear that the development of the mother tongue is critical for a child's cognitive development, and that this development serves as an underpinning for effectively learning English as a second language (see also A. M. et al. "The English-Only Movement: Myths, Reality, and Implications for Psychology." *American Psychologist*, 1991, 46, 2).

In addition to my worry about the negative consequences of capricious restrictions on the use of native languages for education, I also remain concerned that none of the proposed bills provide for expanding the base of English-language training programs or for resources to train additional English language specialists to staff the needed programs.

*What evidence exists that, unless English-Only legislation is enacted, the United States will soon be overcome by ethnic and linguistic tension?* Once again, there is no evidence whatsoever to support such assertions. As someone who resided personally in the Province of Quebec during the 1960s and 1970s, it seems clear that it was the decision to promulgate French as the sole official language of the province which led directly to the continuing tensions which undermine Canadian harmony and hope for continuing unity. This tension, and the ensuing difficulties were not, in any way, prompted by the official policy of the Federal Government to promote bilingualism and multiculturalism.

In conclusion. As noted previously, I see a pressing need for bold and decisive national leadership. We need to formulate a set of policies and programs which encourages the conservation of the Nation's existing language resources and which provides for their systematic expansion. Such a policy would recognize bilingual proficiency (that is, skill in English and in a language other than English) as a precious and desirable social goal; and more importantly would provide adequately for the educational and social programs necessary to accomplish this goal. I strongly urge Members of this Committee to make a commitment to ensuring that bilingualism and bilingual education will be a reality for the next generation. As I have tried to convey in my remarks, the development and the nurturing of multiple language proficiency is never a liability—it is always an asset.

#### PREPARED STATEMENT OF GEORGE N. AHMAOGAK, SR.

I wish to extend my gratitude to Chairman Ted Stevens for inviting the North Slope Borough to submit testimony to the Senate Committee on Governmental Affairs regarding the views of the North Slope Borough with respect to S. 356, the English as the Official Language Bill.

My name is George N. Ahmaogak, Sr., and I am privileged to serve as the Mayor of the North Slope Borough of Alaska. The North Slope Borough encompasses over 89,000 square miles of the northernmost region of the State. The vast majority of the Borough's population are Inupiat Eskimos whose ancestors have lived in the area for generations, surviving the harsh climate primarily through subsistence hunting. Until the 1970's, when oil was first developed at Prudhoe Bay, the Borough was largely isolated. Many of the local inhabitants spoke only Inupiaq, our Native

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language. Most Borough villages still remain quite remote, and some of the inhabitants of these villages, particularly our elders, do not speak English even today.

In contrast to the Inupiat elders who do not speak English in the 1990's, many younger people do not know how to speak the language of their culture, Inupiaq. This is a tragedy for our people. Many of our children in the past few generations never became fluent in Inupiaq because their grandparents and parents were physically and emotionally punished for speaking Inupiaq in a school system that would tolerate only English. They were told their Native language was bad, wrong, and even evil.

Because of that, Inupiat today, from the North Slope are in the unfortunate situation of struggling to preserve a language that is in danger of extinction because, for a few generations, it was not passed down naturally from parent to child. Yet, Inupiaq, our language is vital to our culture. And because we have proudly maintained our ancestral ways and our subsistence way of life, the leadership of our people have decided that teaching Inupiaq is an important part of maintaining our Inupiat ways.

Let me give you an example of why we feel it is of vital importance for our children to be fluent in the language of their cultural heritage. There are not many words associated with the whale hunt, the central community activity of the Inupiat, that are properly translated into English. There is not a word in English for ataaqtuq, which means to be at a whaling camp on the ice. There is not a word in English for nalukataq, our whaling festival. And there are other words and phrases that are part of our Native tongue, reflecting the realities of our Arctic homeland, that we wish to pass on to our children.

The North Slope Borough School system has a bilingual education program that allows us to teach our young people the culture of their heritage. When I first heard that there may be legislation to make English the "official" language of the United States, I feared that it was another attack on our Native language. This time, it would not go as far as physical punishment for speaking in any language other than English, but could nevertheless show unwarranted disrespect for our Inupiat culture.

Senator Stevens has assured me that, S. 356 as introduced, the Language of Government Act, does not impact existing bilingual education programs such as the one so important to the future of the people of the North Slope Borough. Notwithstanding this interpretation, we appreciate Senator Stevens' willingness to introduce an amendment to guarantee that the bill will not hinder bilingual education activities under the Native American Languages Act.

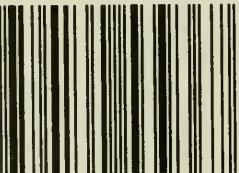
I am American. I am a patriot. I speak English, and so do my children. I pass that along as a skill necessary for survival in modern America. But it is very important to me, and to all the Inupiat people on the North Slope, that our children are educated in both languages in school, so that they may have the skills to go anywhere, but are not stripped of our basic identity that we are very proud to share with them. It is very important to pass along knowledge of the whale hunt, and means of survival in our Arctic climate, to our children and grandchildren. We who developed a culture that has survived and flourished in the Arctic are not English. We are Inupiat. We must retain the right to pass on our language and our culture.

Thank you for the opportunity to submit this testimony.





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